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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.3769 OF 2017**

Shamim Banu Jamiluddin Siddiqui	... Petitioner
Vs.	
Municipal Corporation for Greater Mumbai	... Respondent

Mr. N.K. Dubey i/by Mr. V.T. Dubey for the Petitioner.
Ms. Vandana Mahadik for the Respondent – BMC.

**CORAM : A.S. OKA &
P.N. DESHMUKH, JJ.**

DATE : 16th FEBRUARY, 2018

PC.

1 The statement of the petitioner recorded in order dated 9th January, 2018 shows that the petitioner has been held ineligible for grant of alternate accommodation. Therefore, an Appeal has been preferred by the petitioner. There is a further statement recorded by the Advocate for the petitioner on instructions of the petitioner that in the event the petitioner is held eligible for alternate accommodation, he is willing to vacate the subject structure.

2 As the statement has been made that the Appeal preferred by the petitioner is pending, this Petition need not be kept pending. If

this statement is found to be incorrect, we grant liberty to the Municipal Corporation to move the Court for vacating this order. Accordingly, we dispose of the Petition by passing the following order :-

ORDER

- (i) The Appeal preferred by the petitioner on the issue of eligibility for grant of alternate accommodation shall be decided by the Mumbai Municipal Corporation as expeditiously as possible and in any event, within a period of four months from today;
- (ii) The decision taken on the Appeal shall be communicated to the petitioner by the Municipal Corporation. If the petitioner is held to be eligible for grant of alternate accommodation, along with the decision on Appeal, alternate accommodation shall be offered to the petitioner. Time of three weeks shall be granted to the petitioner to accept the alternate accommodation from the date of service of the decision in Appeal to the petitioner. For the said period of three weeks, the structure of the petitioner shall not be demolished;

- (iii) In the event the Appeal is dismissed, the structure of the petitioner shall not be demolished for a period of three weeks from the date on which the order passed on Appeal is communicated to the petitioner;
- (iv) We clarify that till the date of communication of the decision on the Appeal preferred by the petitioner to him, structure of the petitioner shall not be demolished;
- (v) We make it clear that we have made no adjudication on the question whether the petitioner is eligible for grant of alternate accommodation. We also make it clear that we have made no adjudication on the question in what manner the petitioner shall be rehabilitated in the event the petitioner is found to be eligible;
- (vi) The Petition is disposed of on above terms.

(PN. DESHMUKH, J)

(A.S. OKA, J)