

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (Lodging) NO. 3956 of 2018

Gyansingh D.Yadav .. Petitioner
vs
The Slum Rehabilitation Authority & ors .. Respondents

Mr.Mihir Desai Sr.Advocate with Ms.Archana Gaikwad, Mr.
Nilesh Ukey, Mr.,Vinaya Supe, Mr.Aiyaz Ansari, Mr.Suraj Shete I.b
Ms.Archana Gaikwad for Petitioner
Mr.S.G.Surana I.b.Mr.Madhur Surana for Respondent no.6.
Mr.Sukanta Karmarkar, Asst.Government Pleader
for Respondent nos.3,4 and 7.

Coram : G.S.KULKARNI, J
Date : 27th NOVEMBER, 2018

P.C

1. Heard Mr.Desai learned senior counsel for the petitioner,
and Mr.Surana learned counsel for respondent no.6. It is informed
that the other respondents are already served. Mr.Karmarkar
learned AGP appearing for respondent nos.3,4 and 7.

2. The challenge in this petition is to the order dated
19.11.2018 passed by the Grievance Redressal Committee whereby
the petitioner has been directed to vacate the premises in question.

These premises are required to be demolished for a slum rehabilitation scheme.

3. There is a prior litigation history to the disputes between the parties. Earlier the petitioner had approached this Court in a writ petition bearing (Lodging) No. 2086 of 2018 which came to be disposed of by the learned Single Judge of this Court by an order dated 18.9.2018 in the following terms:

“(i) The respondent no.6 shall file in this Court an undertaking to pay to the petitioner rent in lieu of transit accommodation from the date he vacates or is evicted from the structures in his occupation and that respondent no.6 shall continue to pay such rent till the petitioner is put in possession of permanent alternate accommodation after occupation certificate is issued.

(ii) The undertaking will also specify that the petitioner will be provided three commercial structures in the newly constructed building after obtaining occupation certificate.

(iii) The undertaking shall be filed within one week from today with an advance copy to the petitioner.

4. Thereafter, it is informed that further steps are taken, in as much respondent no.6 has already deposited the agreements which are proposed to be entered with the petitioner with the

competent authority. The same would now be required to be executed between the parties. According to Mr.Surana learned counsel for respondent no.6 this would take care of the apprehension of the petitioner that the agreements are not being finalized and are not being executed by respondent no.6.

5. Mr.Desai learned senior counsel for petitioner submits that the petitioner has a grievance in regard to the quantum of rent being offered by respondent no.6 for the transit accommodation. However, after the matter was argued for sometime, Mr.Desai states that the petitioner is agreeable to agitate the issue of rent before the Assistant Registrar, Co-operative Societies, SRA, who is empowered to determine the issues on transit rent. It is submitted that the petitioner be however, permitted to withdraw the rent which is already deposited by the respondent no.6 with the competent authority, without prejudice to his rights and contentions.

6. Having heard learned counsel for the parties, and that

the issue can be resolved in the manner as noted above.

7. Accordingly, the Petition is being disposed of in terms of following order:

(a) Statement of Mr.Surana learned counsel for respondent no.6 that the agreements to be executed with the petitioner are already deposited with the competent authority, is accepted. The petitioners are directed to execute the agreements within 15 days from today.

(b) Mr.Desai learned senior counsel makes a statement that his client shall vacate the three premises in question within a period of 10 days from today. Statement is accepted.

(c) The petitioners are permitted to withdraw the rent deposited by respondent no.6 with the competent authority without prejudice to their rights and contentions to assail in the proceedings, which the petitioners propose to initiate before the Assistant Registrar, Co-operative Societies, SRA.

(d) If such an application is filed, the same be decided as expeditiously as possible and within a period of six months from today. All contentions of the parties in that behalf are

expressly kept open.

8. Needless to observe, that if the petitioner fails to vacate the premises as per the statement made before this Court, the authorities are free to take appropriate action as permissible in law.

9. No order as to costs.

(G.S.KULKARNI, J)