

1. Heard learned counsel for the parties.
2. Petitioners are the wife and the husband. The husband is a differently abled person and the same is proved from the identity card on our Exhibit A annexed with the Petition. It is pleaded that the Petitioners were in possession of four shops cum residences leased to them by the State in a slum Society known as Om Shakti SRA Co-operative Housing Society Limited. The land was part of Plot No.CS

12 of Sion Division in N/F Ward of MCGM 2019. It is pleaded that the shops cum residences were demolished by the Slum Rehabilitation Authority on 7 April 2000. It is pleaded that the Petitioners have not been rehabilitated till date. Further pleadings are to the effect that the Petitioners met the then Honourable Chief Minister in the year 2005 and requested for a flat to be allotted under the Chief Minister's discretionary quota and benefit of concession envisaged by the policy to be accorded. The Petitioners had earlier filed Writ Petition No.8318 of 2010. It was disposed of on 27 July 2016 by a Division Bench of this Court noting the mandate of Section 43 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1955. The section mandates the appropriate government and local authorities to notify schemes in favour of persons with disabilities for preferential allotment of land at preferential rates.

3. The grievance in the Writ Petition is that the mandamus issued on 27 July 2016 has not been complied with.

4. The reply filed by the State Government, to say the least, does not deal with the issue raised in the Writ Petition.

5. It is pleaded that the procedure to frame a policy has been initiated.

6. No particulars of any draft policy for what is the take off point to frame the policy envisaged by law have been pleaded.

Under the circumstances, we direct State to frame the scheme as envisaged by Section 43 of the Disability Act of 1955 which now finds a mirror in Section 37 of Act No.49 / 2016, within four months from today. Petitioners entitlement would be considered as per the scheme notified within further two months thereafter and for which the Writ Petition would be treated as an application for being allotted a tenement under the scheme. Reasoned decision would be communicated to the Petitioners within six months from today. We make it clear to the State authorities that non-compliance with the mandamus issued today would be treated as an act of contempt.

*N.M.JAMDAR, J.*

*CHIEF JUSTICE*