

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (ST) NO. 27381 OF 2018

Rajan Dattaram Bhagat

..... Petitioner

VERSUS

**The Additional Collector,
(ENC. AND REM) & Ors.**

..... Respondents

Mr.P.J.Thorat for the Petitioner.

Mr.S.H.Kankal, A.G.P. for the Respondent nos.1 and 2.

Mr.A.P.Kulkarni for the Respondent no.6.

CORAM : S.S. SHINDE, J.

DATE : 10th APRIL, 2019

P.C.

Learned counsel appearing for the petitioner submits that the application filed by the petitioner to hold him eligible for permanent alternate accommodation was rejected by the Deputy Collector (Enc.&Rem) as it is evident from the perusal of page 81 (Ex.I) of the compilation of the writ petition. He submits that while considering the application of the petitioner, the said authority had not kept in view the Government resolution. Being aggrieved by the rejection of the application filed by the petitioner, the petitioner filed Slum Appeal No.945 of 2017 before the respondent no.1. However, the Appellate Authority dismissed the appeal. Being aggrieved by the dismissal of the appeal, the petitioner further filed Appeal No.729 of 2018 before the Grievance Redressal Committee, Mumbai Suburb, Mumbai.

However, without considering the Government resolution dated 16th May, 2018 issued by the Government of Maharashtra, the aforesaid appeal was dismissed by the Second Appellate Authority. He submits that in the aforesaid Government resolution, the State Government has introduced new policy and under the said policy, the petitioner may be eligible for permanent alternate accommodation. Therefore, he submits that without entertaining upon the merits of the contentions raised in the petition, the petitioner may be given liberty to file fresh application before the respondent no.2.

2. Learned counsel appearing for the respondents jointly submit that without interfering in the impugned judgment and order, this court may grant a liberty to the petitioner to apply afresh before the aforesaid authority.

3. In the light of the submissions made across the bar and in view of the fact that the Second Appellate Authority did not consider the Government resolution dated 16th May, 2018 though the same was placed before the said authority, the ends of justice would be met with in case the petitioner is allowed to tender a fresh application before the respondent no.2. Accordingly, the following order :-

ORDER

(a) The petitioner is granted liberty to file a afresh application before the respondent no.2.

(b) The petitioner to file a fresh application within four

weeks from today.

(c) In case such application is filed within four weeks from today, the respondent no.2 to decide within 12 weeks from filing such application.

(d) The respondent no.2 to consider the proposed application expeditiously without being influenced by the observations made in the impugned judgments and order.

(e) it is made clear that this court has not expressed opinion about the eligibility of the petitioner or the contentions raised on merits by the petitioner or the respondents.

4. With above observations, writ petition stands disposed of.

[S.S.SHINDE, J.]