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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITIOIN NO.13420 OF 2018

Harish Sunder Chaurasia

..Petitioner

Vs

The Chief Executive Officer, SRA,
Bandra & Ors.

..Respondents

Mr. Vinod P. Sangvikar for the Petitioners.

Mr. S.P. Thorat for the Respondent Nos.1 and 2.

Mr. M.S. Surana, for the Respondent No.3.

CORAM : A.S.GADKARI, J.

DATE : 4th June 2019.

P.C.:

1] Rule.

Rule made returnable forthwith and by consent of the learned counsel for the respective parties, the petition is taken up for final hearing.

2] By the present petition, the petitioner has impugned the Order dated 17th November 2018 passed by the Deputy Collector (Eastern-Suburb) Slum Rehabilitation Authority, directing the petitioner and other occupants of Shivaji Nagar Co-Operative Housing Society Ltd situated at Survey No.385/Part, Chembur, Taluka Kurla, Mumbai to vacate and give peaceful possession of the huts/tenaments to the Developer within a period

of 10 days from the date of passing the said Order, failing which necessary proceedings for eviction will be conducted.

3] It is the contention of the petitioner that, the respondent No.3- M/s Surana Construction (Developer) while submitting a proposal dated 13th June 2018, though has admitted that, the petitioner is entitled for a residential premises in the building to be constructed by it in the rehabilitation component, has not earmarked any specific room in that behalf.

4] Mr. Surana, the learned counsel for the respondent No.3 on instructions submitted that, the respondent No.3 is legally duty bound to allot a residential premises to the petitioner, as the petitioner is entitled for rehabilitation in its scheme. He further submitted that, in pursuance of the agreement entered into by the respondent No.3 with the said Society and other eligible occupants of the said Society, the respondent No.3 is ready and willing to give Rs.14,000/- per month towards rent for transit accommodation to the petitioner. He submitted that, as soon as the rehabilitation component of the building is fully constructed and the Occupation Certificate is granted by the Slum Rehabilitation Authority, the said Authority will conduct a draw and the premises to be allotted to the

petitioner will be decided in the said draw. He on instructions submitted that, till the petitioner vacates the structure/slum occupied by him, the construction of the rehabilitation building cannot be completed. Mr. Surana drew my attention to the affidavit-in-reply filed by the respondent No.3 in that behalf. Mr. Surana on instructions submitted that, the respondent No.3 will make an endeavour to complete the construction and obtain Occupation Certificate of the said building, as expeditiously as possible, and in any event within a period of nine months from today.

5] In view of the statements made by Mr. Surana on instructions from the respondent No.3 that, after completion of the rehabilitation building and getting Occupation Certificate for the same, the respondent No.3 will allot a residential premises to the petitioner in the said building, the grievance of the petitioner is redressed.

6] In view of the submissions made by the learned counsel for the respondent No.3, the learned counsel for the petitioner on instructions submitted that, the petitioner will vacate his premises within a period of four weeks from today.

It is needless to mention here that, the respondent No.3 will comply with all legal formalities before the petitioner vacates his

structure/premises.

7] Rule made absolute in the aforesaid terms.

(A.S.GADKARI, J.)