

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13822 OF 2018

Ramkhilawan Laxman Kori .. Petitioner
Versus
Deputy Collector, Western Suburbs
Bandra and Ors. .. Respondents

Mr. Sushil Shukla for petitioner
Mr. A.B.Kadam, AGP for State – respondent Nos. 1 and 2
Mr. Mohansinh Rajput with Ms. Krishna Patel I/b. Kshitija Wadatkar
Wankhede for respondent No.3

CORAM : V.L.ACHLIYA, J.

DATE : 27th FEBRUARY 2019.

P.C.

By this petition under Article 227 of the Constitution of India, the petitioner has challenged the order dated 28th November 2018 passed by the competent authority in exercise of powers under section 33 of the Slum Rehabilitation Act. (Act for short).

2] In view of the limited challenge raised in the petition, it is not necessary to discuss the facts in detail.

2] The dispute raised in the petition confines to the compensation to be payable to the petitioner towards temporary accommodation till the allotment of permanent accommodation in the rehab building. Respondent No.4 has offered to pay Rs.12,000/- per month to the petitioner for temporary alternate accommodation in lieu of dwelling hut to be vacated. It is the contention of the petitioner that the compensation offered is inadequate and no premises can be secured in the vicinity for Rs.12,000/- per month. It is the say of petitioner that atleast Rs.20,000/- per month ought to have been provided as compensation till the permanent accommodation is allotted in the rehab building.

4] On due consideration of the submissions advanced, I am of the view that the order passed by the competent authority calls for any interference in exercise of writ jurisdiction under Article 227 of the Constitution of India. The order passed is reasoned order and cannot be said to be perverse. It is pointed out by the learned Counsel for the respondent No.4 – developer that out of 187 members of the respondent No.5 society 184 members have entered into agreement and handed over vacant and peaceful

possession of their respective structures, except the petitioner and two others.

5] In view of persistent reluctance on the part of the petitioner, the respondent No.4 was constrained to approach the competent authority to invoke powers under section 33 of the Act and order eviction of petitioner. It is not disputed that in terms of understanding arrived at between the developer and respondent No.5 society, it was agreed to provide compensation @ Rs.12,000/- per month for residential structure and Rs.18,000/- per month for commercial structure towards temporary alternate accommodation to the eligible hutment dwellers. Admittedly, the structure occupied by the petitioner is residential. Except the petitioner and two other hutment dwellers remain to have accepted compensation at aforesaid rate in terms of resolution passed by the respondent No.5-society.

6] Inadequacy of the payment of compensation and that too by two or three members cannot be a reason to stall the entire project. Failure of the petitioner to vacate and handover premises in

terms of scheme to be implemented would result into delay in completing the project and to allot permanent accommodation , which would cause great hardship to members who have already vacated their dwelling structure. I am, therefore, not inclined to entertain this petition.

7] Petitioner is granted seven days time to vacate the premises and hand over vacant possession thereof to the respondent No.4 developer. Upon failure of petitioner to vacate the premises, the competent authority will be at liberty to take steps in accordance with law to evict the petitioner.

(V.L.ACHLIYA, J.)