

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

**WRIT PETITION NO.14618 OF 2018
WITH
WRIT PETITION NO.14619 OF 2018**

Mr. P. Abdul Kadar Mohammed	...Petitioner
Versus	
The Grievance Redressal Committee and Ors.	...Respondents

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Mr. Vidnyan Daware for the Petitioner in both the Petitions.
Mr. Sachin Kankal, AGP for the Respondent Nos.1 to 3 in both the Petitions.
Mr. Mayur Khandeparkar with Mr. Aniket Deshmukh I/b. Mr. Dharmesh S. Joshi for the Respondent No.5 in both the petitions.
Mr. Anoop Patil for the Respondent No.6-SRA in both the petitions.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 8th JANUARY, 2019.

P.C.:-

The Petitioner herein has challenged the impugned notice dated 13th December, 2018 issued by Respondent No.6 and the orders passed under Sections 33 and 38 of the SRA Scheme, passed by Respondent No.3.

2. The Petitioner claims to be in possession of two commercial structures in the land which is being re-developed under SRA Scheme. The Petitioner contends that his application dated 17th December, 2015

for deciding his eligibility is pending before Respondent No.3. He submits that he has submitted all required documents. The grievance of the Petitioner is that he is sought to be evicted from the said structures pending the decision on his eligibility.

3. Shri Khandeparkar, the learned counsel for the Respondent No.5 submits that the rehab building is already constructed and that the Respondent No.5 is unable to get Occupancy Certificate since structures claimed by the Petitioner are in the open space.

4. Shri Khandeparkar, the learned counsel for the Respondent No.5, under instructions, submits that the Respondent No.5 has been paying rent of Rs.13,000/- in respect of the commercial structures to the other occupants, who have been held to be eligible. He, under instructions, submits that the Respondent No.5 will pay to the Petitioner upfront rent for six months at the rate of Rs.13,000/- per structure, within a period of one week from today. He further states that in the event, the Petitioner is held to be eligible, he will be allotted commercial premises in the Rehab Building as per his eligibility. Statement is accepted.

5. In the light of the afore-stated statement, the learned counsel for the Petitioner undertakes to vacate the premises within 15 days from the date of receipt of the rent. He seeks leave to withdraw both these Petitions.

6. Under the circumstances, both the Petitions are dismissed as withdrawn. The Respondent No.3 is directed to dispose of the application dated 17th December, 2018, on its own merits, as expeditiously as possible and in any event, within a period of two months from the date of receipt of copy of this order.

(SMT. ANUJA PRABHUDESSAI, J.)