

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (LODGING) NO. 148 OF 2019**

Margaret Joseph Pereira

... Petitioner

V/s.

Grievance Redressal Committee Mumbai
Suburban and Ors.

... Respondents

Mr. Altaf Khan I.by Mr. Rajesh Kanojia for the Petitioner.

Mr. Drupad Patil a/w. Mr. Mahesh Mishra I.by Mr. Ravi Thankaiani for
the Respondent.

Mr. Dushyant Kumar – AGP

CORAM : SMT. SADHANA S. JADHAV, J

DATED : 3rd OCTOBER, 2019.

P.C. :

1. The learned counsel for the petitioner admits that the proceedings under sections 33 and 38 have attained finality. By an order dated 29th August 2016, this Court has directed the petitioner to vacate the structure in terms of the order passed by the Additional Collector, ENC/REM, in the eventuality that the petitioner is held ineligible. By an order dated 1st November 2018 the appeal under section 35 (1) (A) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 was concluded by which, the Appellant Court had dismissed the appeal by holding the petitioner ineligible.

2. The learned counsel for the petitioner submits that he has filed Appeal No. 1520 of 2018 is pending before the Additional Collector, ENC/REM, Western Suburban under section 35 of the said Act. It is submitted that the petitioner be granted liberty to retain the possession till the same is decided. The prayer deserves to be rejected. A project cannot be stalled for accommodating a person who is held ineligible by more than three authorities. In any case, the High Court had directed the petitioner to vacate the premises in the year 2016 itself.

3. The learned counsel Mr. Patil on instructions submits that on humanitarian grounds the petitioner can retain the possession for a period of three weeks subject to giving an undertaking to that effect.

4. In view of this, the learned counsel for the petitioner submits that he is giving an undertaking that he would vacate the premises by 24th October 2019. There shall be no further extension of time. That, in view of this, the appeal pending before the Additional Collector is expedited.

5. The petitioner has given an undertaking to the effect that he would vacate the premises under reference on or before 24th October 2019 and handover its vacant possession to the Developer. The undertaking is taken on record and marked as Article 'X' for the identification.

6. In view of the above, the petition stands disposed of.

(SMT. SADHANA S. JADHAV, J)