

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****WRIT PETITION (L) NO.1165 OF 2019**

Mukesh Bhati And 2 Others

...Petitioners

vs

The State of Maharashtra And 3 Others

...Respondents

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Mr. Shishir Joshi, i/b. V.S. Legal Associates, for the Petitioners.

Mr. Rajiv J. Mane, AGP, for Respondent No.1.

Ms. Jaya Bagwe, i/b. Ms. Sharmila Deshmukh, for Respondent Nos .2 and 3 – MHADA.

Mr. Arun Siwach, a/w. Mr. Vinamra Kopariha and Ms. Prachi Vasudeo, i/b. Cyril Amarchand Mangaldas, for Respondent No.4.

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CORAM : S.C. GUPTE, J.**DATED: 24 APRIL 2019****P.C.:**

. This petition challenges eviction orders passed by the Executive Engineer of Mumbai Building Repairs and Reconstruction Board (“MBR & RB”), a Unit of Maharashtra Housing and Area Development (MHADA), under Section 95A of Maharashtra Housing and Area Development Authority Act.

2. A similar order passed by the Executive Engineer was the subject matter of challenge in a substantive petition, namely, Writ Petition (L) No.985 of 2019, which came to be rejected by this Court on 26 March 2019. Since the order passed in that petition was the subject

matter of challenge in a pending Special Leave Petition before the Supreme Court, and, in the meanwhile, there was stay operating in the matter till 23 April 2019, this petition was stood over and, in the meanwhile, MHADA was directed not to take any steps for evicting the Petitioners. Learned Counsel for the Petitioners submits that the SLP challenging the order in Writ Petition (L) No.985 of 2019 has now been dismissed and, as a sequel to such dismissal, all pending interlocutory applications have also stood disposed of. Learned Counsel for the Petitioners, in the premises, submits to the impugned order and does not press his challenge. Learned Counsel, however, submits that his clients may be granted four weeks' time to vacate the suit structures subject to Respondent No.4 developer providing them with temporary transit accommodation pending allotment of permanent alternative accommodation in the rehabilitation scheme. Learned Counsel submits that Respondent No.4 may also be directed to execute a permanent alternative accommodation agreement with his clients.

3. The petition is, accordingly, disposed of as not pressed. The Petitioners are given time upto 31 May 2019 to vacate the suit structures, subject to the Petitioners submitting an undertaking in this behalf, i.e. an undertaking to vacate the premises latest by 31 May 2019, within a period of two weeks from today. Respondent No.4 shall provide a suitable transit accommodation to the Petitioners pending allotment of permanent alternative accommodation in the rehabilitation scheme. It is made clear that no dispute shall be entertained on the part of the Petitioners so far as the adequacy or location of such transit accommodation is concerned. Respondent No.4 shall also execute a

permanent alternative accommodation agreement with the Petitioners on the same lines as in the case of other occupants affected under the redevelopment scheme. It is also made clear that adequacy or location of such permanent alternative accommodation shall not be a matter of contest and the Petitioners shall vacate the existing premises without reference to any such dispute.

4. It is made clear that this order shall not come in the way of the Petitioners in Appellate Side Writ Petition No.378 of 2019 or the individuals, on whose behalf that petition is filed, in their challenge to the NOC issued by MHADA for the redevelopment project. It is made clear that time granted to the Petitioners to vacate their structures latest by 31 May 2019 is by way of a last chance and no further request for time shall be entertained.

(S.C. GUPTE, J.)