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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L.) NO.4343 OF 2018

Uday Sudhakar Shetty	..Petitioner
Vs.	
The State of Maharashtra & Ors.	..Respondents

None for Petitioner.
 Ms.Deepali Patankar, AGP for Respondent Nos.1 and 2.
 Mr.Dharmesh Joshi for Respondent No.3.
 Mr.Mayur Khandeparkar for Respondent No.4.

Later on:

Mr.P.C. Kansara for Petitioner.
 Ms.Deepali Patankar, AGP for Respondent Nos.1 and 2.
 Mr.Dharmesh Joshi for Respondent No.3.
 Mr.Mayur Khandeparkar for Respondent No.4.

CORAM : G.S. KULKARNI, J.

DATE : 9th JANUARY, 2019

P.C.:

Though circulated, none appears for the petitioner when called out. All the respondents are present through their respective counsel.

2. Dismissed for non-prosecution.

Later on:-

3. Mr.Kansara, learned Counsel for the petitioner, appears and

tenders an apology for not remaining present when the matter was called out.

4. In the interest of justice, order of dismissal of petition is recalled and the petition is restored to file and taken up for hearing.

5. Heard Mr.Kansara, learned Counsel for the petitioner, Mr.Khandeparkar, learned Counsel for respondent No.4-developer, Mr.Joshi appears for respondent No.3 and Ms.Patankar, AGP for the State.

6. After this petition was heard for sometime, considering the submissions as made by Mr.Khandeparkar, learned Counsel for respondent No.4, the petition can be conveniently disposed of by the following order:-

ORDER

i. Mr.Khandeparkar, learned Counsel for respondent No.4, makes a statement that his client is ready and willing to make payment of the rent for 6 months to the petitioner and cheque to that effect would be handed over to the petitioner within one week from today.

ii. Mr.Kansara, learned Counsel for the petitioner, on instructions, states that his client would vacate the premises and hand over the possession of the premises to respondent Nos.3 and 4 within one month from today. Statement is accepted.

iii. It is not in dispute that the petitioner's application for determination of eligibility is pending adjudication of the competent authority namely the Deputy Collector (Western Suburbs – 1), Slum Rehabilitation Authority, Bandra (E.), Mumbai. The said authority shall take up the adjudication of the said application as expeditiously as possible and shall decide the same within a period of two months from today.

iv. Needless to observe that in the event the petitioner succeeds in his application and the petitioner is found to be eligible for allotment of permanent alternate accommodation, then the respondent Nos.1 and 2 shall hold the petitioner eligible for allotment of a permanent alternate accommodation in the project in question.

v. All contentions of the parties on the pending proceedings before the Deputy Collector are expressly kept open.

vi. The vacating of the premises by the petitioner is also without prejudice to the rights and contentions which he may urge in the said pending proceedings.

vii. The petition is disposed of in the above terms. No costs.

[G.S. KULKARNI, J.]