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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.246 OF 2020

Qureshi Mohd. Salim Hadis And 2 Ors. ...Petitioners

vs

State of Maharashtra Through Its Principal
Secretary And 4 Ors. ...Respondents

WITH

WRIT PETITION (L) NO.247 OF 2020

Khan Maksudali Samiullah And 2 Ors. ...Petitioners

vs

State of Maharashtra Through Its Principal
Secretary And 4 Ors. ...Respondents

.....

Mr. Ashif Husain, i/b. Mr. Altaf Khan, for the Petitioners in
WPL/246/2020.

Mr. Nizamuddin Khan, for the Petitioners in WPL/247/2020.

Mr. Sukanta Karmakar, AGP, for Respondent No.1 in WPL/246/2020.

Mr. Rajiv J. Mane, AGP, for Respondent No.1 in WPL/246/2020.

Mr. Abhijit P. Kulkarni, for Respondent No.2-SRA.

Mr. Devendra Singh, i/b. Mr. Satyadev Joshi, for Respondent No.5.

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CORAM : S.C. GUPTE, J.

DATED: 21 FEBRUARY, 2020

P.C.:

. These two petitions challenge a common order passed by
Apex Grievance Redressal Committee (AGRC) under Sections 33 and 38

of the Maharashtra Slum Areas (Improvement, Clearance And Redevelopment) Act, 1971 ("Act"). After the matter is heard at length, it is agreed between learned Counsel for the Petitioners, who claim to be eligible slum dwellers, and learned Counsel appearing for Respondent No.5, who is the developer of the subject SR project, and Respondent No.2 - SRA, that the writ petition may be disposed of in terms of the following order.

2. It is accordingly ordered as follows:

(i) Petitioner No.3 in Writ Petition (L) No.246 of 2020 has already been declared to be an eligible slum dweller entitled to get permanent alternative accommodation in lieu of his tenement free of cost on ownership basis in the rehab building of Respondent No.5 as part of the subject SR project. Permanent alternative accommodation shall, accordingly, be allotted to him and appropriate arrangement shall be made for payment of interim transit rent to him.

(ii) So far as Petitioner Nos. 1 and 2 in Writ Petition (L) No.246 of 2020 are concerned, their eligibility is pending consideration before Deputy Collector (Western Suburbs), SRA. Subject to such eligibility being determined in the proceedings, Respondent No.5 developer has agreed to provide them with permanent alternative accommodation and also interim transit rent. Till their eligibility is decided in the proceeding, interim transit rent shall be paid by Respondent No.5 to Petitioner Nos. 1 and 2, as provided hereinbelow.

(iii) In Writ Petition (L) No.247 of 2020, eligibility of all three Petitioners is pending consideration before Deputy Collector (Western Suburbs), SRA. Subject to their eligibility being accepted by the Deputy Collector, Respondent No.5 developer shall allot permanent alternative accommodation and also transit rent to these Petitioners as provided hereinbelow. Pending consideration of their application for eligibility, interim transit rent, as provided hereinbelow, shall be paid by Respondent No.5 to these Petitioners.

(iv) The issue of correct interim transit rent payable by Respondent No.5 to eligible slum dwellers including the Petitioners herein in accordance with this order shall be left by the parties to Assistant Registrar, SRA for determination.

(v) Once the interim transit rent is determined by Assistant Registrar, SRA, eligible slum dwellers, including the Petitioners herein, in terms of this order, may apply to the Department of Co-operation, SRA for withdrawal of amounts deposited by Respondent No.5 towards such rent. Respondent No.5 shall co-operate in the matter of disbursement by appearing before the authorities and submitting appropriate documents. Whilst determining such compensation, Assistant Registrar, SRA shall hear both parties before deciding the matter.

(vi) It is made clear that even if eligibility of any of Petitioner Nos. 1 and 2 in Writ Petition (L) No.246 of 2020 or of any of the Petitioners in Writ Petition (L) No.247 of 2020 is decided against them,

Respondent No.5 developer shall not seek refund of any amount of interim transit rent paid to them in accordance with this order.

(vii) The Petitioners in both petitions shall handover their respective tenements to Respondent No.5 for the purposes of the subject SR project within a period of four weeks from today.

(viii) All parties to appear before Assistant Registrar, SRA, when either party may produce an authenticated copy of this order on 28 February 2020.

(ix) Assistant Registrar, SRA shall decide the quantum of interim transit rent as expeditiously as possible and preferably within a period of four weeks from today.

(x) The writ petitions are disposed of accordingly.

Smita
Gonsalves

Digitally signed by
Smita Gonsalves
Date: 2020.03.02
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(S.C. GUPTE, J.)