

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

Writ Petition No.2262/2017

Raghunath S. Shetty ..... Petitioner

Vs.

State of Maharashtra & Ors. .... Respondents

Mr. Vincent X D'silva for the Petitioner  
Mr. S. B. Gore, AGP for Respondent Nos.1, 2 and 4.

**CORAM: K.K.TATED &  
SARANG V. KOTWAL,JJ.**

**DATED : JANUARY 27, 2020**

**P.C.**

1 Heard. The main grievance of the Petitioner is that though the High Power Committee in Appeal No.41/2012 along with other 226 applications directed the Respondent to decide their eligibility in Slum Rehabilitation Scheme, they failed and neglected to do so.

2 The learned counsel for the Petitioner submits that the Petitioner has filed application dated 26.11.2007 with Respondent No.3 along with the documents i.e. Ration Card, Electricity Bill, Shop and Establishment License and Society Membership Agreement with the Builder Harish Shetty. He submits that till today the said application is not decided by Respondent No.3. Hence, the present Writ Petition.

3 The learned counsel for the Petitioner submits that by this petition, he is seeking direction against Respondent No.5 Developer to pay sum of Rs.28,80,000/- towards the arrears of transit premises compensation for the period from 2004 till date i.e. till filing of the petition @ Rs.20,000/- p.m. He submits that he has received instructions from his client that presently he is not pressing prayer clause (b). He submits that so far as prayer clause (b) is concerned, the Petitioner may be permitted to take out appropriate proceedings.

4 The learned counsel for the Respondent submits that in the present proceedings, the application made by the Petitioner before Respondent No.3, as per order dated 04.09.2015 passed in Appeal No.41/2012 by the High Power Committee is not maintainable. He submits that the Competent Authority is Respondent No.4 Dy. Collector (Encroachment and Removal) Andheri, Ground Floor, MHADA Building, Bandra (East), Mumbai - 400051. He submits that he has received instructions from Respondent No.4, that if fresh application is filed by the Petitioner along with all documents, then the Respondent No.4 shall decide their application as early as possible, in any case, within four months from the date of receipt of copy of the said application.

5 The learned counsel for the Petitioner submits that he received instructions from his client that he is ready and willing to make fresh application before Respondent No.4.

6 Hence, following order is passed:

a. The Petitioner is permitted to make fresh application before Respondent No.4 as per order dated 04.09.2015 passed by the High Power Committee in Appeal No.41/2012 within two weeks from today along with all supporting documents.

b. If the application is filed within two weeks from today, Respondent No.4 is directed to decide the same on merits within four months from the date of receipt of the said application.

c. Liberty granted to Respondent No.4, if he so desire to call relevant documents from the Petitioner to decide the said application within the time stipulated.

d. The Respondent No.4 is directed to decide the same and intimate the final order to the Petitioner immediately.

e. Liberty granted to the Petitioner to take appropriate steps in respect of prayer clause (b), after deciding the application by Respondent No.4 on merits.

f. The Writ Petition stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)