

DSS

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8313 OF 2021**

Ramesh B. Raut and ors.

...Petitioners.

V/s.

The State of Maharashtra and ors.

...Respondents.

Mr. S.M. Sabrad i/b Ms Neha R. Parte for the Petitioners.

Mr. P.V. Nelson Rajan, AGP for the Respondent – State.

Mr. J.G. Aradwad Reddy for Respondent No.2/AGRC.

Ms Aparna D. Vhatkar for Respondent No.3-SRA.

Mr. Gauraj Shah a/w. Mr. V.A. Joshi i/b M/s. Chitnis Vaithy & Co. for Respondent No.5.

Mr. V. A. Joshi i/b. M/s. Chitnis Vaithy and Co. for Respondent No.4.

CORAM : G. S. KULKARNI, J.

DATE : NOVEMBER 30, 2021.

PC :

1] Heard the learned counsel for the respective parties.

2] This petition challenges an order dated 29.9.2021 passed by respondent No.2 – Apex Grievance Redressal Committee which has confirmed the order dated 9.3.2021 passed by respondent No.3- the Dy. Collector (Eastern Sub-Urban) under Sections 33 and 38 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (for short “Slum Act”), by which, the petitioners were directed to vacate their structures and handover the same to respondent No.4.

3] Mr. S.M. Sabrad, learned counsel for the petitioners, at the outset submits that petitioner nos.1 to 8 were eligible and would be therefore, entitled to permanent alternate accommodation. Mr. Sabrad submits that insofar as eligibility of petitioner No.9 is concerned the same is yet not

decided and the proceedings in that regard are pending before the appropriate authority.

4] Insofar as petitioner Nos.10 to 13, are concerned, Mr.Sabrad submits they are declared to be not eligible and their appeals are pending before the competent authority. It is hence his submission that insofar as the eligible petitioners are concerned, respondent No.4 – M/s. N.K. Constructions ought to make provision for providing permanent alternate accommodation and/or also in regard to payment of rent for the temporary premises which these petitioners would occupy. Mr.Sabrad has also submitted that if the others subsequently become eligible, they be also granted benefits which are available to the other slum dwellers.

5] On the other hand, learned counsel for respondent No.4 has drawn my attention to the reasoned order passed by this court in the case of ***Rukmini L. Lokhande and ors. vs. State of Maharashtra and ors.*** (*Writ Petition (L) No.23254 of 2021 decided on 18.11.2021*), wherein this court in respect of very same project had dismissed the petition recording the willingness and undertaking on the part of the developer to the effect that it would undertake the project and complete the scheme as expeditiously as possible and as per the norms of the SRA. It is his submission that this petition is hence covered by the said order passed by this court which pertains to the same project. It is submitted that insofar as eligibility of petitioner Nos.1 to 8 is concerned, respondent No.4 would meet out the same treatment to these petitioners as made available to the eligible slum dwellers. Such statement made on behalf of respondent No.4 in respect of petitioner Nos.1 to 8 is accepted.

6] Insofar as other petitioners are concerned, it is directed that in the event the concerned authority holds these petitioners eligible in the final order which would be passed by such authority, in that event these petitioners shall also be granted all benefits which are available to other eligible slum dwellers. Respondent No.4 shall also execute agreements for permanent alternate accommodation with the eligible petitioners.

7] In the above circumstances, this petition is disposed of with the aforesaid observations and in terms of the court held in the order passed in the case of *Rukmini L. Lokhande and ors (supra)*.

8] The petitioners are directed to vacate their respective premises within a period of one month from today, failing which, the impugned order shall instantly become operational and proceedings can be taken against the petitioners, in accordance with law.

9] Disposed of in the above terms.

(G. S. KULKARNI, J.)

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