

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8969 OF 2021

Manohar Shanker Amberkar ...Petitioner

vs.

The State of Maharashtra & Ors. ...Respondents

Mr.Suraj Dessai Almeida for Petitioner.

Mr.C.D. Mali, AGP for State.

CORAM : G.S. KULKARNI, J.

DATED : 14 DECEMBER 2021

P.C. :

1. Heard learned Counsel for the Petitioner and learned AGP for Respondent No.1.

2. Although all the Respondents are stated to be served, they are not represented. As a short point is involved, this writ petition ought not be kept pending. It can be disposed of, as noted hereinabove.

3. The challenge in this petition is to an order dated 7 December 2021 passed by the Tahsildar-1 (Special Desk), Slum Rehabilitation Authority. It appears that Respondent No.4 has been appointed as a developer to undertake redevelopment of the slum in question. The case of the Petitioner is that the petitioner has been declared not to be eligible for allotment of permanent alternate accommodation although his name is appearing in Annexure-II. It is contended that his eligibility has not so far decided and the proceedings in that regard are

pending before the Competent Authority.

4. Since the proceedings are initiated against the petitioner under Sections 33 and 38 of the Maharashtra Slums Areas (Improvement, Clearance and Redevelopment Act), 1971 whereby the impugned order evicting the Petitioner from the premises has been passed, the Petitioner has been directed by the impugned order to vacate the premises within seven days failing which he would be forcibly evicted. The only contention of the Petitioner is that if the Petitioner's rights to an entitlement to a Permanent Alternate Accommodation, in the event the Petitioner is held to be eligible, ought not to be affected.

5. Learned Counsel for the Petitioner has fairly stated that his client is willing to vacate the premises. However, he states that his vacating should be subject to the outcome of the pending proceedings with regard to his eligibility. The suggestion as made on behalf of the Petitioner is fair.

6. The Competent Authority, who is seized with the matter to decide the Petitioner's eligibility shall take a decision on the Petitioner's application, as expeditiously as possible and within a period of one month from today. In the meantime, the Petitioner is directed to vacate his premises within a period of fifteen days from today. However, this shall be subject to the outcome of the eligibility proceedings. It is clarified that in the event, the Petitioner is held to be eligible, Respondent No.4 shall grant the same treatment to the Petitioner as granted to the other slum dwellers in respect of payment of interim rent and/or temporary alternate accommodation.

7. The petition is disposed of in the above terms. No costs.
8. Parties to act on the authenticated copy of this order.
9. Needless to observe that if the Petitioner does not vacate the premises within fifteen days as directed, the authority is at liberty to proceed to take further action as permissible in law.

J.)

(G.S. KULKARNI,