

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 953 OF 2022**

Vanita Hasmukhbhai Balsara & Ors ...Petitioners
Versus
Apex Grievances Redressal Committee Slum ...Respondent
Rehabilitation Authority & Ors

Ms Archana P Gaikwad, *for the Petitioner.*
Mr Vijay Patil, *for Respondent No.1, AGRC.*
Mr Abhijit Kulkarni, *for the SRA.*
Mr Bhavin Manek, *i/b Abhijit Marathe, for Respondent No.4 in
WP/953/2022.*

**CORAM G.S. Patel &
Madhav J. Jamdar, JJ.**
DATED: 31st January 2022

PC:-

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RAMCHNDRA
SANKPAL

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1. The Petition is by 34 persons challenging inter alia orders passed by the Apex Grievances Redressal Committee ("AGRC") on 19th January 2022 and an earlier order of 11th November 2021 by the Tehsildar.

2. The further demand in the Petition is that the Petitioners be given transit camp accommodation or, in the alternate, monthly rent at Rs.25,000/- per month.

3. Prayer clause (f) makes it clear that the eligibility of Petitioners Nos. 24 to 30 has yet to be decided.

4. Of the 34 Petitioners, it is undisputed that Petitioners Nos. 1 to 23, 31 and 32 are all eligible. Petitioners Nos. 24 to 30 are all persons whose eligibility is as yet to be decided. Petitioners Nos. 33 and 34 have been held to be ineligible, but may have an appellate remedy.

5. There is also a challenge in the Petition to a Letter of Intent (“**LOI**”) dated 14th June 2006 and 27th October 2014. The Slum Rehabilitation Authority (“**SRA**”) project in question is on plot bearing Nos. 153 and 153/1 to 100.

6. We are told that there are or were 116 structures/occupants on this plot. Of these, 71 have vacated. They have received transit rent at a rate stipulated by the SRA. On behalf of the developer, a statement is made on instructions that this morning an amount of Rs.28.6 lakhs has been deposited with the SRA as transit rent for Petitioners Nos. 1 to 23, 31 and 32. The builder is also agreeable on a without prejudice basis to deposit transit rent for six months in advance for the seven undecided cases and the two that have been held to be ineligible.

7. The undecided cases will be disposed of and their eligibility decided within eight weeks from today.

8. Petitioners Nos. 33 and 34 who have been held to be ineligible will have three months from today to file their appellate or other proceedings to have the decision regarding their ineligibility reconsidered.

9. All eligible Petitioners are entitled to equal treatment with those others who have vacated and found to be eligible. They will be, therefore, entitled to transit rent at the same rate, with the same annual increment, the execution of a Permanent Alternate Accommodation Agreement (“PAAA”) and, finally, when the project reaches completion, the allotment of a tenement in the rehab structure with an occupation certificate.

10. We do not accept the prayer that the Petitioners should be given a different, better or preferential rate of transit rent or that the annual increment for them should be higher than that which is applicable to other eligible slum dwellers. All who are eligible will be treated on exactly the same footing, neither more nor less.

11. Ms Gaikwad pleads for time for the Petitioners to vacate. We are unwilling to accept her request for four weeks’ time. The Petitioners will have time until 7th February 2022 to vacate their premises.

12. Ms Gaikwad agrees that the Petitioners will cooperate in the execution and registration of the PAAAs. We are told that these are ready and can be executed as early as tomorrow.

13. In this view of the matter, we dispose of the Petition with these directions. There will be no order as to costs.

14. All concerned will act on production of a digitally signed copy of this order.

(Madhav J. Jamdar, J)

(G. S. Patel, J)