

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL WRIT PETITION NO. 1298 OF 2021**

Kandittankulam Iykya Welfare Sangham ... Petitioner
V/s.
The Additional Collector & Ors. ... Respondents

Mr.P.J. Thorat i/b. Mr.Aniesh S. Jadhav for Petitioner.
Mr.Madhur Surana for Respondent No.3.
Mr.Vijay Patil for Respondent No.6.
Mr.A.P. Vanarse, A.G.P. for State.

CORAM : A.S. GADKARI, J.
DATE : 1st April 2022.

PC. :

1. By the impugned Order dated 7th November 2019 passed by the Respondent No.5, the Petitioner has been held to be ineligible for free of cost commercial rehabilitation in the slum rehabilitation scheme of Respondent No.4-Society.

2. Record indicates that, on 21st June 2021, the learned counsel for the Petitioner, on instructions from the Petitioner, had made a solemn statement before this Court that the Petitioner was willing to accept residential structure, if allotted in the said scheme.

3. Mr.Surana, learned counsel for the Respondent No.3-Developer submitted that, as a matter of fact the scheme of Respondent No.4 has been

completed in the year 2016 itself and there is no tenement available in the said scheme to be allotted to the Petitioner even if he is held to be eligible for residential structure.

4. Mr.Patil, learned counsel for Respondent No.6 submitted that, to become eligible for residential structure in slum rehabilitation scheme, the Petitioner has to file an application before the Competent Authority established under the Slum Act and the concerned Authority will adjudicate its claim independently.

5. In view thereof, Mr.Thorat, learned counsel for the Petitioner on instructions from the Office bearers of Petitioner-Trust seeks leave to withdraw present Petition with liberty to file an application before the Competent Authority established under the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, for being eligible for residential premises in a slum rehabilitation scheme.

Leave and liberty granted.

6. It is made clear that, hereinafter the Petitioner shall not agitate its right for alternate premises for commercial utilization in the S.R.A. Scheme of Respondent No.6.

7. Petition is disposed off as withdrawn with aforesaid liberty and in aforesaid terms.

[A.S. GADKARI, J.]