

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

WRIT PETITION NO.6455 OF 2022

Mrs. Laiqa Hamid Ansari ..Petitioner
Versus
State of Maharashtra and Ors. ..Respondents

**WITH
WRIT PETITION NO.6456 OF 2022**

Md. Gulzar Hamid Ansari ..Petitioner
Versus
State of Maharashtra and Ors. ..Respondents

Mr. Jogendra Thakur, for the Petitioner in both Petitions.
Mr. P. V. Nelson Rajan, AGP for Respondent Nos.1 & 3 in both Petitions.
Mr. Vishwanath Patil, for Respondent Nos.2 & 4/SRA in both Petitions.
Mr. Rishi Soni a/w Hemang Raythattha & Shalaka Chamboowala i/by RMG Law Associates, for Respondent No.5 in both Petitions.

CORAM : NITIN W. SAMBRE, J.

DATE : 16th JUNE, 2022

P.C.

1. As far as Writ Petition No.6456 of 2022 is concerned, predecessor-in-title of the petitioner/Mr. Md. Gulzar Hamid Ansari, namely Lallan Harijan was held to be eligible and as such, his name is included in Annexure-II. Based on the same, claim of the petitioner to pass on such eligibility in his favour is informed to be subjudice before

the Apex Grievance Redressal Committee.

2. In the aforesaid background, contentions of Mr. Jogendra Thakur are, unless eligibility of the petitioner is decided, the impugned notice cannot be given effect to, as the petitioner has no other alternate accommodation and if forcibly evicted, petitioner will suffer hardship. His further contentions are, this Court has passed an order on 1st June, 2022 directing *status-quo* to be maintained. The said order is informed to be communicated to SRA officials on 1st June, 2022 telephonically, as the signed copy of the order was not available. He would urge that in spite of the aforesaid telephonic communication, SRA officials have proceeded to demolish structure of the petitioner and as such, are made liable for contempt under the provisions of Contempt of Courts Act.

3. While countering aforesaid submissions, counsel for the respondent would support the order impugned. According to the counsel for the respondent/developer, even if the petitioners are not held to be eligible, still the respondent/developer is willing to deposit of Rs.14,000/- per month for a period of twelve months in the pending proceeding before the Apex Grievance Redressal Committee to which the petitioners are entitled to. According to respondents, similar offers are made to more than 400 slum dwellers whose eligibility is already tested.

As such, according to respondents, project cannot be stalled but for the claim of the present petitioners.

4. I have appreciated the aforesaid submissions.

5. The fact remains that the eligibility of the petitioners in both these petitions is under consideration. The said eligibility is directed to be decided expeditiously and in any case, within a period of four months from the date of production of this order.

6. However, in view of the statement made by the builder that other similarly placed occupants whose names are included in Annexure-II being eligible persons are offered rent of Rs.14,000/- per month. It is urged that irrespective of above, till the eligibility is decided, same facility shall be extended to the petitioners. Statement is accepted as an undertaking to this Court.

7. The respondent/developer as such is directed to deposit an advance rent for a period of next twelve months at the rate of Rs.14,000/- per month in the pending proceeding before the Apex Grievance Redressal Committee, to which the petitioners are at liberty to apply for withdrawal of the same. If such application is made, the Apex Grievance Redressal Committee shall permit the petitioners to withdraw the said rent.

8. In the aforesaid background, in my opinion, as far as the notice impugned is concerned, no interference is called for.

9. As regards contention of the counsel for the petitioner, Mr. Jogendra Thakur that the respondent authorities have acted in contravention to the order dated 1st June, 2022 passed by this Court is concerned, the petitioners have not placed any affidavit to that effect on record. Even if the oral contentions of Mr. Jogendra Thakur are appreciated, Mr. Jogendra Thakur claim to have communicated order of this Court on behalf of the petitioner to the SRA officials. It is difficult to form any opinion, as the designation or detail of such person to whom the order was communicated is not available. Be that as it may, keeping the right of the petitioners open to take appropriate action in the matter of aforesaid grievance made before this Court and keeping such liberty in tact in favour of the petitioners, both these petitions stand dismissed.

10. However, it is clarified that the time to vacate the premises is extended upto midnight of 19th June, 2022.

[NITIN W. SAMBRE, J.]