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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 3499 OF 2022

Sudarshan Prasad Shukla ..Petitioner
vs.
The State of Maharashtra and ors. ..Respondents

Mr. R.P. Ojha a/w Mr. Archit Ojha & Mr. Ankit Ojha i/b
R.K.Dubey, for petitioner.
Mr. S.B. Gore, AGP for respondent no.1.
Mr. Prithviraj S. Gole i/b Mr. Sandesh Patil, for respondent
no.2.
Mr. Yashashree Munde a/w Mr. Pratik I i/b Parinam Law
Associates, for respondent no.3.
Mr. Ashish Gaikwad, for respondent no.5.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 16, 2022

P.C. :

- 1.** Not on board. Taken on board.
- 2.** Heard learned counsel for the petitioner. The matter is heard as learned counsel for the petitioner sought urgent interim relief by submitting that the structure in question is likely to be demolished within 48 hours. The order under challenge is passed by the Apex Grievance Redressal

Committee (hereafter "AGRC", for short) refusing to grant any interim relief in favour of the petitioner protecting the subject structure during the hearing of the appeal. It is the contention of the learned counsel for the petitioner that the petitioner was occupying two premises, one is residential premises and another is of temple premises apart from a goshala. By the allotment letter which is at page 88 of the petition, what was allotted to the petitioner was flat no. A-508 in lieu of his one existing residential premises behind the temple. It is the contention of learned counsel for the petitioner that temple is a separate structure for which no allotment is made. It is further submitted that in terms of annexure II which is at page 69 of the petition, the petitioner is entitled to two structures in lieu of temple plus residence. At serial no.23, Goshala is shown. According to the petitioner, he was in possession of all these structures and alternate allotment has not been made in his favour towards the structures which are sought to be demolished.

3. I have gone through the interim order passed by the AGRC. The premises in question were allotted to the

petitioner as far back as on 01/01/2013. Annexure II indicates that the structure in occupation of the petitioner is temple plus residence. Rejecting the interim relief, the AGRC has observed that the name of the petitioner is held eligible for temple plus residential structure in certified annexure -II issued by Mhada under subject S.R. scheme. The petitioner is allotted flat no. A/508 and shop no. B-17 under subject S.R. scheme. Since 2013, no grievance is made by the petitioner in respect of allotment of a structure in lieu of temple premises. He accepted the allotment. There is an agreement on record wherein he has indicated that he will hand over premises to the developer for demolition. It is only in the year 2022 that the appeal is filed contending that for the temple, the petitioner should be allotted a separate structure. From the record it appears that the allotment has been made in favour of the petitioner for the residential- cum-temple. It was accepted by him in the year 2013. I do not see any reason to interfere with the interim order of the AGRC. The main appeal is pending. LOI for the project was issued as far back as on

02/11/2010.

4. The petition is rejected. AGRC to decide the appeal without being influenced by any observations made by me in this order or those made by the AGRC in the interim order. The appeal be decided expeditiously, preferably within a period of 10 weeks from the date it holds its next sitting. All contentions are kept open.

(M. S. KARNIK, J.)