

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

**CONTEMPT PETITION NO.15 OF 2021
IN
WRIT PETITION NO.299 OF 2016**

Shaikh Abdul Karim Mohd. Hanif ...Petitioner

Vs.

The Deputy Collector (Enc/Rem) & Competent
Authority, Dharavi Division & Ors. ...Respondents

**WITH
CONTEMPT PETITION NO.16 OF 2021
IN
WRIT PETITION NO.296 OF 2016**

Shaikh Mohd. Hanif Abdul Aziz ... Petitioner

Vs

The Deputy Collector (ENC/REM) &
Contempt Authority, Dharavi Division & Ors. ... Respondents

Mr. S. S. Raut for the Petitioner in both WPs.

Mr. A. R. Mishra for Respondent No. 3.

Mr. Mangesh Sawant i/b. Mr. Arun Panickar for Respondent No.4

Mr. Manish Upadhye, AGP a/w. Mrs. Jyoti Chavan, AGP for the
Respondent-State

**CORAM : A. A. SAYED &
ABHAY AHUJA, JJ**

DATED : 16th MARCH, 2022

P.C.:

The Contempt Petitions are filed claiming breach of the directions contained in the order dated 21st January, 2016. The grievances of the Petitioners are essentially in respect of non-

completion of the construction by the Respondent-Developer and failure to hand over possession of the permanent alternate accommodation/premises, as also payment of the arrears of transit compensation.

2. It is not disputed that so far as the compensation is concerned, the Petitioners have, except for the last two months, received the transit compensation. In the event, the Respondent-Developer does not pay the transit compensation, the Petitioners would be free to take up the issue of non-payment of transit compensation with the SRA.

3. It is agreed before the Court that learned Counsel for the Petitioners shall provide the Petitioners' Bank Account Numbers to the Respondent-Developer and the compensation shall be paid by the Developer directly to the Bank Accounts of the Petitioners.

4. Insofar as the completion of the construction and handing over possession of permanent alternate accommodation/premises is concerned, Mr. Mohammed Arif Shaikh who is partner of Respondent No. 3 has tendered an Undertaking, which reads as follows:

"1. I say that Petitioners is Non Cooperative occupants. I say that Petitioners alongwith their family members have created various hurdles by filing false

complaints not only before Waqf Board but also various authorities including Slum Rehabilitation Authority. I say that inspite of all aforesaid the construction work is proceeded and one wing of Rehab building is completed. Presently internal work is in progress and within 8 months from execution hereof the same will be completed and the possession of the Rehab unit will be handed over to the eligible occupants as per the Lottery to be conducted by the authorities. I say that the possession of Rehab unit will be handed over to the Petitioners within 8 months. I say that this Respondents undertake to this Hon'ble Court to hand over the unit in rehab buildings to the Petitioners within 8 months as per procedure of Slum Rehab Authority."

ANANT
KRISHNA
NAIK

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Date: 2022.03.17
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5. We accept the Undertaking of the Respondent No. 3 and dispose of the Contempt Petitions.

(ABHAY AHUJA, J.)

(A. A. SAYED, J.)