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

WRIT PETITION NO.12112 OF 2023

Khan Amina Khatun (Jai Ambe ...Petitioner
Hardware) deceased through Khan
Farhan Ahmed Ajaz Ahmed

V/s.

Apex Grievances Redressal ...Respondents
Committee & Ors.

Smt. Archana P. Gaikwad for Petitioner

Mr. Shahajirao Shinde a/w Kuldip T. Pawar for
Respondent No. 1- AGRC.

Mr. Jagdish G. Aradwad (Reddy) a/w Abhijit Patil for
Respondent Nos. 2 and 3.

Mr. A.B. Chate, Additional G.P. a/w P.V. Nelson-
Rajan AGP for State.

Mr. Anil R. Mishra a/w Sneha Dedhia for
Respondent Nos. 5.

CORAM: MADHAV J. JAMDAR, J.
DATE: 21st December 2023

P.C.:

1. The Petitioner by the present Writ Petition is inter alia challenging the legality and validity of the Order dated 4th September 2023 passed by the learned Apex Grievance Redressal Committee, Government of Maharashtra in Application No. 78 of 2023.

2. By the said Order, Order dated 12th January 2023 passed by Tahsildar-2/SRA under Sections 33 and 38 of the Slum Act is upheld and Respondent No.4 was directed to execute the Agreement for permanent alternate accommodation with the Applicant within 7 days from the date of the said Order. The Applicant was further directed to vacate the structure after execution of permanent alternate accommodation, failing which eviction action to be followed.

3. It was the main contention of Smt. Gaikwad, learned Counsel appearing for the Petitioner that the Petitioner's eligibility was not decided and still eviction Order has been passed.

4. During pendency of this Writ Petition, by Order dated 11th December 2023 passed by the Competent Authority, Slum Rehabilitation, the Petitioner has been held eligible for the commercial structure. Therefore, on 15th December 2023 as the Petitioner has been held eligible, Smt. Gaikwad, learned Counsel appearing for the Petitioner, on instructions from the Petitioner stated that the Petitioner would vacate the structure by 20th December 2023 and on that date, cheque of Rs.67,500/- has been accepted without prejudice to the rights and contentions of the Petitioner towards the transit rent for six months.

5. Pursuant to said order dated 15th December 2023, Smt. Gaikwad, learned Counsel appearing for the Petitioner states that the Petitioner has vacated the structure in question and in the Court handed over keys of the structure to the learned Counsel appearing for the Respondent No.5.

6. Smt. Gaikwad submitted that the Respondent No.5 is offering only 225 sq. feet area and the Petitioner is entitled for 475 sq. feet. She states that the rent which is offered is not as offered to the other slum dwellers.

7. In view of these submissions, the Petitioner is granted liberty to approach appropriate authorities for redressal of the said grievances. It is expected that the appropriate authorities will decide the same expeditiously. It is clarified that this Court has not considered the merits of said issues raised and all contentions of both the parties in that behalf are expressly kept open.

8. Mr. Mishra, learned Counsel appearing for Respondent No.5 states that the rent for six months is given on the assumption that the alternate premises will be ready with occupation certificate within a period of six months. He further states that if it is not possible to handover the possession of alternate premises within said period of six months, then further rent will be paid till actual possession of rehab premises with occupation

certificate is handed over to the Petitioner. The said statements are accepted as an undertaking given to this Court.

9. Accordingly the Writ Petition is disposed of subject to above.

(MADHAV J. JAMDAR, J.)