

Arjun

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

**WRIT PETITION NO.14169 OF 2023
WITH
INTERIM APPLICATION NO.17237 OF 2023
IN
WRIT PETITION NO.14169 OF 2023**

Vijaya Raghunath Bhoir

...Petitioner/Applicant

V/s.

Deputy Collector, Special Cell SRA
and Competent Authority & Ors.

...Respondents

Mr. Manoj P. Mhatre a/w Amol Raut, for the
Petitioner/Applicant.

Mr. Jagdish G. Aradwad (Reddy), for Respondent No.1.

Mr. Arshad Shaikh, Senior Counsel a/w Mr. Ranjit Agashe, Mr.
Devansh Malhotra, Miss Vinsha Acharya & Pranil Lahigade i/b
Mrs. Sucheta Joshi-Dongre, for Respondent No.2.

Mr. A. B. Chate, Addl. GP a/w Mr. S. D. Rayrikar, AGP for the
Respondent-State.

**CORAM : MADHAV J. JAMDAR, J.
DATED : DECEMBER 21, 2023**

P.C.:

1. Heard Mr. Mhatre, learned Counsel appearing for the
Petitioner, Mr. Shaikh, learned Senior Counsel appearing for
Respondent No.2 and Mr. Rayrikar, learned AGP, for the
Respondent-State.

2. By the present Writ Petition filed under Articles 226 and
227 of the Constitution of India, the Petitioner has challenged the

legality and validity of the Order dated 31st October 2023 passed by the Deputy Collector, Special Cell, SRA and Competent Authority (“**impugned Order**”).

3. By the said impugned Order, the Petitioner has been directed to vacate the concerned slum structure. When the impugned Order was passed, the Petitioner’s eligibility was under consideration. However, during the pendency of the Writ Petition, the Petitioner has been held eligible and Annexure-II dated 15th December 2023 has been issued.

4. Mr. Arshad Shaikh, learned Senior Counsel appearing for the Respondent No.2 tenders an additional Affidavit of Respondent No.2, i.e., Vrujlal K. Vaishnani, Sole Proprietor of Respondent No.2. In the said additional Affidavit and earlier Affidavit, it is stated that the entire rent of 11 months, brokerage, transportation charges are deposited with the SRA. It is further stated that Respondent No.2 undertakes to provide all the benefits to the Petitioner as per the SRA Scheme. The said statements in Affidavits of the Respondent No.2 are accepted as undertaking given to this Court.

5. Learned Counsel appearing for the Petitioner, after taking instructions from the Petitioner states that the Petitioner will vacate the said structure on or before 4th January 2024. The said statement is accepted as undertaking given to this Court.

6. The Petitioner has raised several other issues including that the Petitioner is the owner of the concerned structure. The Petitioner is at liberty to file appropriate proceedings concerning the said issues. It is clarified that this Court has not considered the merits regarding the said issues and all the contentions in that behalf are expressly kept open. However, it is made clear that the Petitioner will have to vacate the said structure on or before 4th January 2024.

7. The Writ Petition is disposed of in the above terms with no order as to costs.

8. In view of the disposal of the Writ Petition, nothing survives in the Interim Application and the same is also disposed of.

[MADHAV J. JAMDAR, J.]