

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11116 OF 2024

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R. K.Developers thr. Its authorised signatory ...Petitioner

Versus

Ramaadhar Raghunath Yadav an ors. ...Respondents

Mr. Mayur Khandeparkar a/w Mr. Mayank Bagla, Mr. Aditya
Indulkar, Mr. Mayank Mishra, *for the Petitioner.*

Mr. Ubaid Ghawte a/w Mr. Salim Siddiqui, *for the Respondent*
Nos.3 to 5.

Ms. S. S. Bhende, AGP, *for the Respondent No.6 - State.*

Mr. Abhijit P. Kulkarni a/w Mr. Krushna Jaybhoy, Mr. Abhishek
Roy, *for the Respondent No.7.*

CORAM M.S. Sonak &
Kamal Khata, JJ.
DATED: 19th August 2024

PC:-

1. Heard learned counsel for the Petitioner, respondents no. 1 to 5, and Ms S. S. Bhende, AGP for respondent no. 6—State.

2. After arguing this matter for some time, Mr. Khandeparkar, learned counsel appearing for the Petitioner, made the following ‘without prejudice offer’.

3. Mr. Khandeparkar, on instructions, has stated that Respondent Nos.1 and 4, who have been adjudged as eligible to receive the benefits under the rehabilitation scheme, will be immediately placed in possession of the transit accommodation available near the site in question. He further states that though Respondent No.2 is held ineligible, she would also be placed in possession at the transit accommodation near the site immediately. Further, Mr Khandeparkar states that though Respondent Nos.3 and 5 had not even participated in the survey and their eligibility is yet to be determined, even Respondent Nos.3 and 5 will be placed in possession of the transit accommodation near the site in question.

4. Mr Khandeparkar states that Respondent Nos.1 and 4 can stay in transit accommodation until they are allotted permanent alternative accommodation. He submitted that Respondent Nos.2, 4, and 5 can only remain in the transit accommodation for six months. During that period, they can determine their eligibility for the rehabilitation scheme's benefits. They could, however, continue if they are adjudged eligible.

5. Learned counsel appearing for Respondent Nos.1 to 5 submits that Respondent Nos.1 to 5, without prejudice to their rights, are agreeable to move the transit accommodation near the site in question. He further requests that some directions be issued to the Apex Grievance Redressal Committee (AGRC) to dispose of their Application No.32 of 2024 finally, expeditiously.

6. Accordingly, we modify the impugned order dated 22 March 2024 passed by AGRC. In terms of this modification, Respondent Nos.1 to 5 will move into the transit accommodation near the site that the Petitioners will offer within a week from today without prejudice to its rights and contentions.

7. Respondent Nos.1 and 4 can continue to occupy this transit accommodation until they are placed in possession of permanent alternative accommodation once the redevelopment scheme is completed.

8. Insofar as Respondent Nos.2, 3, and 5 are concerned, they can occupy the transit accommodation for a period of six months initially. If, during this period, they establish their eligibility, they can continue to occupy the transit accommodation until they are placed in possession of permanent alternative accommodation.

9. However, if Respondent Nos.2, 3, and 5 are unable to establish their eligibility within six months, they will have to vacate the transit accommodation. The Petitioner and the authorities will be at liberty to take necessary steps to this effect.

10. The statement made by the learned counsel for Respondent Nos.1 to 5 about the above arrangement being without prejudice to the rights and contentions of Respondent Nos.1 to 5 is also noted and recorded.

11. Further, AGCR is directed to dispose of the proceedings instituted by Respondent Nos.1 to 5 before it as expeditiously as

possible without being influenced by the without prejudice arrangement.

12. If Respondent Nos.2, 3, and 5 apply to the proper authorities for a determination of their eligibility, such authorities must also dispose of such proceedings expeditiously, preferably within four months from the date of their institution.

13. All parties' contentions in the proceedings filed by Respondent Nos.1 to 5 before AGRC are kept open. AGRC must decide the above proceedings on its own merits and following the law.

14. The Petition is disposed of in the above terms. There shall be no order as to costs. All concerned to act on an authenticated copy of this order.

(Kamal Khata, J)

(M.S. Sonak, J)