



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7827 OF 2023

WITH

INTERIM APPLICATION NO.12989 OF 2023

Hariprasad Ganpat Barai

...Petitioner/
Applicant

Versus

The State Of Maha. Thr. Gp And Ors.

...Respondents

WITH

INTERIM APPLICATION NO.1940 OF 2024

IN

WRIT PETITION NO.7827 OF 2023

Liladhar Vitthal Gawde

...Applicant

Versus

Hariprasad Ganpat Barai

...Respondents

Adv. Ashish Dubey a/w Rahul Tripathi & Ajay Dubey for the Petitioner.

Adv. Shahajirao Shinde a/w Aishwarya Shinde for Respondent No. 3 [AGRC].

Adv. Aparna D. Vhatkar for Respondent No. 4 [SRA].

Adv. Savita Prabhune, AGP for the Respondent State.

Adv. P. G. Lad for MHADA.

Adv. Rajesh Kanojiya a/w Raj K. Awasthi for Respondent No. 5.

Adv. Nitesh Acharya a/w Ravi Kant Purohit i/b Anil Wagh for Intervenor Applicants.

Coram : Sharmila U. Deshmukh, J.

Date : September 27, 2024.

P. C. :

1. Learned counsel for Respondent No. 5 Developers submits that the transit rent in respect of existing commercial structure of the Petitioner has been deposited with the Slum Rehabilitation Authority. He tenders the demand draft which has been filed with the Slum

Rehabilitation Authority. The same is marked "X" for identification.

2. Upon hearing learned counsel for the Petitioner as the matter has been remanded to the Deputy Collector to consider the entitlement of the Petitioner for the commercial structure, this Court is not inclined to interfere with the said order. The only anxiety of the learned counsel for the Petitioner is that if his commercial structure is demolished, the same will prejudice his rights.

3. Considering that the developer has already deposited the transit rent and will continue to do so till the adjudication of the Application of the Petitioner, the commercial structure of the Petitioner cannot be permitted to stall the re-development project.

4. The Competent Authority - MHADA is directed to decide the Application of the Petitioner for the alternate commercial structure expeditiously.

5. Till the adjudication of the Application by the concerned authority, Respondent No. 3 Developer to continue the payment of the transit rent.

6. The Petition is disposed of in the above terms.

7. In view of disposal of the Petition, Interim Applications taken out in the Petition does not survive for consideration and the same stand disposed of.

[Sharmila U. Deshmukh, J.]