

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

**WRIT PETITION (L) NO. 23464 OF 2023**

Laxman Ravji Paste

.. Petitioner

**Versus**

The Tahasildar – 2 (Special Unit)  
Slum Rehabilitation Authority and Ors.

.. Respondents

.....  
Mr. Nitin Gaware Patil for Petitioner

**CORAM : MILIND N. JADHAV, J.**

**DATE : AUGUST 25, 2023**

**P.C.:**

- 1.** Not on board. Mentioned. Taken on board.
- 2.** Heard Mr. Patil, learned Advocate for Petitioner.
- 3.** Perused the praecipe dated 25.08.2023.
- 4.** Mr. Patil learned Advocate has drawn my attention to the order dated 28.07.2023 at Exhibit – M of the Petition. The dispute is in respect of one tenement bearing No. B/1/1114 and there are two claimants to the said tenement namely Laxman Sitaram Patre and Laxman Ravji Paste. Petition is filed by Laxman Ravji Paste who was originally allotted the said tenement in 2014 and is in occupation thereof since then. The impugned order however concludes that the occupation of the Petitioner Laxman Ravji Paste of the said tenement is unauthorized as can be seen from the operative part of the order and therefore calls upon the Petitioner to vacate the said tenement

within 30 days and handover vacant possession to the competent authority. The same impugned order however further records and gives a finding that after vacating of the said tenement the Petitioner shall be entitled to make an application to the competent authority for a tenement as he is also eligible. However before arriving to the conclusion in the impugned order there is a categorical finding recorded in the paragraph No. 11 of the order that though the Petitioner and Laxman Sitaram Patre both are eligible and entitled for permanent alternate accommodation, in view of the similarity in their names, there appears to be an apparent mistake on the part of the authorities with respect to the allotment of the tenement to them and therefore the said confusion has arisen. The same is stated in paragraph No. 11 of the impugned order as seen by me.

**5.** On the basis of the submissions made by Mr. Patil and reading of the impugned order itself, an arguable case is made out by Mr. Patil for grant of ad-interim relief.

**6.** In that view of the matter, the impugned order dated 28.07.2023 shall stand stayed.

**7.** Petitioner is directed to serve a copy of the Petition on all Respondents including Laxman Ravji Patre who is also Respondent herein.

**8.** Issue notice to all the Respondents. Private notice by

Petitioner is also permitted. Respondents are directed to file Affidavit-in-reply within a period of two weeks from date of receiving copy of the Petition. Rejoinder, if any, to be filed within one week thereafter. Affidavit of service shall be filed by Petitioner.

**9.** In the meanwhile no coercive steps shall be taken for vacating the Petitioner from the subject tenement of which he is in occupation since 2014.

**10.** Stand over to **29<sup>th</sup> September, 2023.**

G.R.SHIMPI

[ MILIND N. JADHAV, J. ]

GAYATRI  
RAJENDRA  
SHIMPI

Digitally signed  
by GAYATRI  
RAJENDRA  
SHIMPI  
Date:  
2023.08.25  
13:51:24 +0530