

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

WRIT PETITION NO. 2553 OF 2023

Smt. Laxmi Nivruti Kamble .. Petitioner
Vs.
Public Works Department & Ors. .. Respondents

Mr. Prosper D'souza, (through Legal Aid), for the Petitioner.

Mr. P.G. Lad a/w Shreya Shah for Respondent No.2 – MHADA.

Mr. Abhay Patki, Addl. G.P. for the Respondent – State.

Mr. Shakeeb S. Shaikh, for the Respondent No.5.

**CORAM : SUNIL B. SHUKRE &
FIRDOSH P. POONIWALLA, JJ**

DATE : 8TH SEPTEMBER, 2023.

P.C. :

1. We have heard this matter for some time. It appears that there are claims and counter-claims relating to the facts of the case which, however, appear to be giving rise to the disputed questions of fact. However, before ascertaining as to whether or not this Petition involves disputed questions of fact; this Court in the earlier order already recorded a finding that the case then filed involved disputed questions of fact and hence the same would be dismissed, we would like to hear both sides at length, so that, the latest factual position can be properly ascertained and appreciated. Then, this is also not a case where the Petitioner, prima facie, appears to be living on street. Today, she has appeared

before the Court and she has been accompanied with two ladies; one of whom is, as informed by learned counsel for the Respondent No.5, is daughter of the Petitioner, which prima-facie, shows that the Petitioner does have family support. Therefore, there is no urgency as well in this Writ Petition.

2. Meanwhile, we grant liberty to the Petitioner to approach the Municipal Corporation of Greater Bombay for allotment of tenement to her under its Scheme of 'Shelter for Homeless', if any, provided, the Petitioner is eligible under the Scheme.

3. If any such application is filed by the Petitioner, the same shall be decided on its own merits and in accordance with law by the Municipal Corporation.

4. Stand over to 3rd November 2023.

[FIRDOSH P. POONIWALLA, J.]

[SUNIL B. SHUKRE, J.]