

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****WRIT PETITION (L) NO. 6584 OF 2023**

Pravin Dhudidas MakawanaPetitioner
V/s.
The Mumbai Municipal CorporationRespondent

ALONGWITH
WRIT PETITION NO. 346 OF 2023
WITH
INTERIM APPLICATION (L.) NO. 7082 OF 2023

Akhil Bharatiya Safai Kamgar and
General UnionPetitioner
V/s.
Government of Maharashtra, through
Chief SecretaryRespondent

Mr. Suresh T. Mane with Ms. Babita Pande, Mr. Vikas B.
Shivgan, Advocate for the petitioner in WP(L)-6584-2023.

Mr. R.D. Bhat, Advocate for the petitioner in WPL-346-2023.

Mr. N.V. Walawalkar, Senior Advocate with Ms. Shilpa Redkar,
Advocate for M.C.G.M.

Ms. Sayali Apte, Ms. Shreya Shah i/by. Mr. P.G. Lad, Advocate for
respondent no.3 in WP-346-2023.

Mrs.P.H. Kantharia, Government Pleader for State.

Ms. Annu Rane, Asst. Head Supervisor (Chawl) SWM Department.

Mr. Ramdhan Chavhan, Sub-Engineer, AYC.

CORAM : S.V. GANGAPURWALA, ACTING CJ &

SANDEEP V. MARNE, J.

DATE : 26th APRIL, 2023.

P.C. :

1) We have heard the learned Counsel for the petitioners and the learned Counsel for the Corporation.

2) The respondent-Corporation wants to redevelop the buildings. At presently, the tenements are occupied by sweepers of the Corporation. The contention of the Advocate for the petitioners is that as per the Government Resolutions issued from time to time, the sweepers are to be provided Quarters on ownership basis. The petitioners do not want to be an impediment in the redevelopment project, however as per the Government Resolutions (G.R.) the petitioners are required to be provided these Quarters upon redevelopment on ownership basis. The respondent is not abiding by the G.R. issued from time to time. The redevelopment is being done under Ashray Yojna wherein the ownership is not being transferred to the occupiers.

3) It is also the contention of the learned Counsel for the petitioners that, there is ample open space available and

the respondent can first construct on the open space, give the tenements to the petitioners and thereafter demolish the existing tenements. According to the learned Counsel for petitioners, ample open space is available. The existing buildings are not in dilapidated condition.

4) The learned Senior Counsel for the Corporation submits that the Corporation has on Affidavit given assurance that after redevelopment, these tenements will be first offered to the sweepers occupying the present existing structures. According to the learned Senior Advocate, upon redevelopment, about 11,081 Service Quarters would be constructed and the sweepers who are occupying the present tenements would be accommodated first.

5) One of the grievance of the learned Counsel for the petitioners is that the monthly rent (Displacement Allowance) provided to the petitioners is Rs.14,000/- per month without annual increments. The same is also required to be considered.

6) We have considered the submissions. Assurance has been given on Affidavit by the Corporation that upon redevelopment, these sweepers who are occupying the existing Service Quarters would be accommodated first. We accept the said statement as an Undertaking given to the Court. The issue of providing tenements upon redevelopment on ownership basis to the petitioners would certainly be

considered by this Court while deciding the Writ Petition finally.

7) The petitioners will have right to agitate in this regard.

8) The petitioners are provided with Rs.75,000/- lumpsum refundable deposit amount and also being provided with Rs.14,000/- per month Displacement Allowance in addition to the House Rent Allowance.

9) In this scenario, it would not be appropriate to stall the redevelopment activity as many other employees of the Corporation would be benefited by the new tenements to be constructed.

10) In light of that, the respondent-Corporation may go ahead with the activity of redevelopment of the existing structures, after taking appropriate steps in the matter in accordance with law. The petitioners have already been assured that upon redevelopment, they would be accommodated first in the redeveloped property. As such they shall also vacate the present existing premises at the earliest.

11) The contention of the new redeveloped premises to be effected on ownership basis is kept open. The same will be considered while deciding the present writ petition. As far as annual increment of the Displacement Allowance is concerned, the same be considered at the appropriate stage.

12) Place the matters on 24th July, 2023.

13) The Corporation would endeavour to construct the redevelopment buildings expeditiously.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)