

In this case, notice was issued on 12/2/2007.

Prior to the

notice, the disputed huts/cabins were demolished on 4/2/2007. In that view of the matter, this appeal has become infructuous as fresh cause of action has arisen. However, the respondent-Corporation has filed a detailed affidavit. In paragraph 21 of the affidavit it has been averred that without prejudice to its rights and contentions, the respondent is willing to offer alternate accommodation to the petitioners. In order to appreciate the stand of the respondent in proper perspective, paragraph 21 of the affidavit is reproduced hereunder:-

"Without prejudice to its rights and contentions, the Respondent herein submits that it is even now willing to offer alternate accommodation to the Petitioners. However, this is with the caveat that alternate accommodation will only be offered to the original allottees, their

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legal heirs or authorized transferees; and that too, at a place to be decided by the Respondent Corporation. There would be no choice available to the Petitioners. It is submitted that in view of the aforesaid proposal, the present SLP may be disposed off, in as much as the matter has been placed for final hearing before the Hon'ble High Court of Gujarat on 30/03/2007, on which date the Hon'ble High Court could consider the aforesaid proposal and pass appropriate orders."

This appeal is disposed of in view of the undertaking given by the respondent-Corporation. The said undertaking shall be complied with, as far as practicable, within six months.

.....J.
(H.K. SEMA)

New Delhi;
September 10, 2007.

.....J.
(LOKESHWAR SINGH PANTA)