

ITEM NO.33

COURT NO.5

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 1990/2019

(Arising out of impugned final judgment and order dated 18-12-2018 in WP No. 13497/2018 passed by the High Court Of Judicature At Bombay)

SUNIL RAMCHANDRA GOSAVI & ORS.

Petitioner(s)

VERSUS

THE GRIEVANCE REDRESSAL COMMITTEE(MUMBAI CITY) & ORS. Respondent(s)

(IA No. 159406/2019 - APPLICATION FOR VACATION OF INTERIM ORDER
IA No. 159408/2019 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 17-12-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Rana Mukherjee, Sr. Adv.
Ms. V. Mohana, Sr. Adv.
Mr. K. Sinhadri, Adv.
Ms. Ishita Rawat, Adv.
Mr. Pankaj Bhagat, AOR
Mr. Abhay Parab, Adv.

For Respondent(s) Mr. Kunal Cheema, AOR
(R-5) Mr. Ashwin Mishra, Adv.
Mr. Vilas Giri, Adv.
Ms. Aditi Parkhi, Adv.

(R-3-SRA) Mr. Uday B. Dube, AOR

UPON hearing the counsel the Court made the following
O R D E R

We have heard Mr. Rana Mukherjee, learned senior counsel, along with Ms. V. Mohana, learned senior counsel appearing for the petitioners. We have also heard Mr. Kunal Cheema, learned counsel appearing for respondent no.5-Developer and Mr. Uday B. Dube, learned counsel appearing for respondent no.3-Slum Rehabilitation Authority (SAR).

The grievance of the petitioners is that the Transit Camp NO.1 was not ready with the requisite amenities. Considering the submission, this Court had ordered notice on 28.01.2019 and also directed that the status quo be maintained by the parties.

For the development undertaken by respondent no.5-Developer totally 239 slum dwellers are found to be eligible for rehabilitation. It is also stated that 127 slum dwellers have already shifted to the Transit Camp. Insofar as Transit Camp No.1 is concerned, only the slum dwellers who are the petitioners in this special leave petition are yet to vacate and shift to the Transit Camp NO.1. In this regard Mr. Kunal Cheema, learned counsel appearing for respondent no.5-Developer has filed an application supported by an affidavit stating therein that five rooms earmarked for the petitioners are ready and the said undertaking reads as under :

"8.... The Applicant has earmarked for allotment five rooms for the petitioners, being Room No.001 to Shri Sunil Ramchandra Gosavi, Room NO.002 to Smt. Kamlibai Kanu Paskar, Room NO.003 to Shri Vitthal Laxman Kambli, Room No.004 to Smt. Laxmibai Balkrishna Patil, and Room No.005 to Smt. Laxmibai Balkrishna Kadam on Gr.Floor, in Transit Camp no.1."

Mr. Rana Mukherjee, learned senior counsel appearing for the petitioners, has submitted that though the rooms are ready, however, the basic amenities are yet to be provided to the rooms sought to be allotted to the petitioners in the Transit Camp.

Mr. Kunal Cheema, learned counsel appearing for the respondent no.5-Developer, has submitted that since 127 slum dwellers have

already shifted and they have been provided the basic amenities, the same basic amenities would be made available to the petitioners in the special leave petition in the same manner as is being provided to the already shifted 127 slum dwellers.

Considering the submissions made at the Bar and also the application supported by an affidavit filed by respondent no.5-Developer, the special leave petition is disposed of directing the petitioners to shift to the Transit Camp within a period of four weeks from today.

At this stage, it is stated at the Bar that Suresh Balkrishna Kadam, fifth petitioner in the special leave petition, has passed away and he is survived by three legal heirs including Smt. Laxmibai Balkrishna Kadam. The legal heirs of fifth petitioner-Suresh Balkrishna Kadam are also permitted to shift to the Transit Camp. Respondent no.3-Slum Rehabilitation Authority to consider updating the records after verification of the authenticity of the claim of legal heirs of deceased petitioner-Suresh Balkrishna Kadam.

Pending applications, including application (IA No.159406/2019) for vacation of interim order and application (IA No.159408/2019) for directions filed by respondent no.5-Developer, shall also stand disposed of.

(MAHABIR SINGH)
COURT MASTER

(SANTOSH KUMAR)
BRANCH OFFICER