

MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI

Administrative Staff College Compound, 9, Hajirimal Somani Marg, Opp. C.S.T. Mumbai - 400001.
Tel: 22050791, Fax: 22091804/22093678/22078962. Website: http://mshrc.maharashtra.gov.in

Case No. 4341/2007-08 / 1008 ✓

DT.
8/2/20

Name of the complainant : Advocate Gunaratan Sadavarte
For Milind Lokhande &
Residents of Janata Chawl Zopadpatty
V/s
The Municipal Commissioner
Brihan Mumbai Municipal Corporation
Mumbai.

Date : February 6, 2008.

Coram : Justice Kshitij R. Vyas, (Retd. Chief Justice), Chairperson.

PROCEEDINGS

At the time of hearing, learned Advocate Shri C.V. Thombre along with Advocate Shri Gunaratan Sadavarte appeared for the complainants. Shri D. B. Rathod, learned Advocate for BMC with Shri V.D. Salve, Colony Officer remained present.

The complainants Janata Chawl Zopadpatty Rahiwashi Sangh who represents 48 persons have filed this complaint by stating that they were living at Janata Chawl Zopadpatty, Dr. Ambedkar Road, Opp. St. Eliasc High School, Khar (W), Mumbai since 1980, on the land belonging to the respondent Corporation, have been driven out by demolishing their structure and therefore they are entitled to have an alternative accommodation. According to the complainant by not providing alternative accommodation as per the prevailing policy of the Corporation and throwing them on the footpath their human rights are violated.

Learned Advocate appearing for the complainant invited my attention to the names of the affected persons shown in the voting list, ration cards as well as necessary certificates issued by the Corporation, submitted that the affected persons can be considered for alternative accommodation. Learned Advocate Shri Rathod appearing for the BMC sought time to file reply in the matter.

Having considered the grievances voiced in the complaint, the complaint can be disposed off by giving suitable directions to the Assistant Commissioner, H/West Ward, Brihan Mumbai Municipal Corporation, who is the competent authority to decide the grievances of the hutment dwellers. Hence the following directions:

1. The Assistant Commissioner, H/West Ward, Brihan Mumbai Municipal Corporation, shall treat the present complaint itself the complaint before him.
2. Over and above the complaint and the documents produced along with, it will be open for the complainant to file additional documents to support their case. The complainant shall file the present complaint with necessary documents stated above within 15 days. On receipt of the same, the said authority shall consider the grievances of the affected persons shown in the complaint.



3. The claims of the affected persons regarding their eligibility to obtain the alternative accommodation shall be considered in light of the prevailing policy as well relevant circulars of the Corporation.
4. The competent authority shall undertake and complete the said exercise within **4 weeks**.
5. While deciding the claims of the affected persons the concerned authority shall hear the concerned persons, if necessary and shall visit the sites and shall communicate its decision to the first complainant i.e. Shri Milind S. Lokhande within **2 weeks** thereafter.

With the above directions, the complaint stands disposed off.



**(Justice Kshitij R. Vyas)
Chairperson.**

Mumbai; February 6, 2008.