

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

WRIT PETITION (L) NO. 1980 OF 2015

Antop Hill Warehousing Company Ltd. }	Petitioner
versus	
Slum Rehabilitation Authority and Ors. }	Respondents

Mr. Chirag Balsara with Ms. Shoma Maitra
i/b. M/s. Wadia Ghandy and Co. for the
Petitioner.

Ms. Shalaka Mali i/b. M/s. Ashok Purohit and
Co. for Respondent Nos. 1 and 2.

Mr. J. S. Saluja-AGP for Respondent No. 4 and
High Power Committee.

Mr. P. K. Dhakephalkar-Senior Advocate with
Mr. Sanjay Jain, Mr. Kausar Banatwala and
Ms. Swapna Roopwate i/b. Mr. Tushar A.
Goradia for Respondent No. 7.

**CORAM :- S. C. DHARMADHIKARI &
 B. P. COLABAWALLA, JJ.**

DATED :- AUGUST 26, 2015

P.C. :-

The Writ Petition is seeking a direction to quash all permissions including those shown in the Schedule annexed and marked at Annexure 'R' to the Writ Petition, granted by Respondent No.1 in respect of a land more particularly described in the Petition. Prayer clauses (b), (c) and (d) of this Writ Petition read as under:-

“b. That this Hon'ble Court be pleased to issue a Prohibition to Respondent Nos. 1 to 5 from granting any further permissions/approvals to the Respondent Nos. 6 and 7 in respect of the construction being carried out on the land the said Lands pending the final judgment and order of the Hon'ble High Power Committee in the Application No. 141 of 2012;

c. That this Hon'ble Court be pleased to issue a Prohibition to Respondent No. 6 and 7 from carrying out further constructions on the said Lands, pending the final judgment and order of the Hon'ble High Power Committee in the Application No. 141 of 2012;

d. That this Hon'ble Court be pleased to issue a Writ of Mandamus or a Writ in the nature of mandamus or any other appropriate Writ, Order or direction ordering and directing the Hon'ble High Power Committee to hear and decide the Application No. 141 of 2012 filed by the Petitioner against the Respondent in a time bound manner;”

2) Out of four prayers and the three reproduced above, Mr.Balsara appearing for the Petitioner has pressed only prayer clause (d). That seeks a direction to the High Power Committee to hear and decide Application No. 141 of 2012, pending before it, in a time bound manner.

3) We do not wish to enter into the rival contentions particularly on the merits of this Application and whether any relief can be obtained therein from the High Power Committee by the Petitioner. If the request made by the Petitioner is termed as allegedly belated, by the contesting Respondents, then, all contentions on the point of delay and of all parties are kept open.

4) We are indeed surprised that the High Power Committee does not follow the system or pattern of maintaining the record of the pendency of cases and taking them serially at every meeting. If there is a record available and the cases are called out serially and disposed of, we do not see any apprehension for parties like the Petitioner and to approach this Court. We do not wish to enter into any controversy particularly as to whether any request was made by the Petitioner to the Committee in writing for taking up the present case/application. For us, it is enough that the application filed in the year 2012 is not disposed of till today.

5) We had called upon Mr. Saluja appearing for the High Power Committee on the earlier occasion to take instructions from the Committee or any of the officials reporting to it as to when the application will be disposed of. At the request of Mr. Saluja, the matter was listed today.

6) Mr. Saluja informs, on taking instructions from the Committee, that the Committee will endeavor and dispose of this Application No. 141 of 2012 by 30th October, 2015. We accept this statement made by Mr. Saluja on instructions as an undertaking given to this Court.

7) We would highly appreciate if the High Power Committee arranges its schedule and method of working in such a manner that litigants and parties are not forced to approach this Court seeking a direction for a decision on their application expeditiously. Litigants will have trust and confidence in the working of the Committee only if the Committee follows a pattern and in a transparent and non-arbitrary manner takes up cases serially. It is only when it is approached for urgent order or relief that it can take up the matter or application in that behalf out of them and list it above other cases. However, in other cases, it must maintain a daily board or a list of cases which are to be taken up on a particular date or at a particular meeting or sitting of the Committee. If it is not possible to take up all of them on the given date, then, it must ensure that adjournments are given in such a manner that the time table or schedule of the hearing is not disturbed. The Committee will have to evolve some procedure if already not evolved. It can seek assistance from any officials of the Courts subordinate to this Court and they will be in a position to guide it. Surely, this is not expecting too much and from a Committee which is exercising quasi judicial powers. The least that is expected from the Members of the Committee is that they assemble on the given date and time and not cause inconvenience to parties and litigants. We have noted in several cases that not all members assemble and attend the meeting. It cannot

be that the Committee comprises of five members but three attend and decide for all five. Such an approach of the Committee may be taken as a casual or light hearted response to a quasi judicial adjudication, which is a serious business. These high powered officials ought not be reminded hereafter of their responsibility and duty particularly to the litigants and to the maintenance of rule of law. The Committee is set up by the State after it gave an assurance and undertaking to this Court. The officers presiding over the proceedings are drawn from the Indian Administrative Services. They may be very busy and hard pressed for time but other work and business can wait as dates of the meeting are determined in advance. On these dates it is the duty of all Members to attend and remain present save and except for reasons of illness or the like. We say nothing more.

8) With the aforesaid directions, the Writ Petition is disposed of. Let a copy of this order be supplied to Mr. Saluja, who shall circulate it to all Members of the Committee/s.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)