

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

WRIT PETITION (L) NO. 2318 OF 2016

Smt. Tahirabano Chaudhary
Constituted Attorney and ors. . .. Petitioners
V/s.
State of Maharashtra and ors. .. Respondents.

Mr. Mohd. Yusuf Khan for the Petitioners.
Mr. A.I. Patel, Addl. G.P. for Respondent Nos.1, 2 and 5.
Mr. Omkar Kulkarni i/b Mr. Yadunath Choudhari for Respondent No.3.
Mr. Mahesh Mishra i/b Ravi Thankian for Respondent No.6.

**CORAM: DR. MANJULA CHELLUR, C.J.
AND M.S.SONAK, J.**

DATE : 26 SEPTEMBER 2016.

PC.

1] The present petition is filed in the second round of litigation challenging certain provisions of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (Slum Act), i.e., Sections 33, 38, 3A of the Slum Act, 1971.

2] As a matter of fact, when proceedings were initiated under the Slum Act by the concerned authority, which ultimately resulted in the order dated 4 June 2016, series of writ petitions by the very same writ petitioners came to be filed in Writ Petition (L) No. 1717 of 2016 and other connected matters. The said writ petitions came to be disposed of by the learned Single Judge by

making observations that already statutory appeals were preferred against the order dated 4 June 2016, therefore, the said appeals to be disposed of latest by 15 October 2016 by giving proper opportunity to the parties. Apparently, the provisions of Slum Act were not subject matter of the challenge in the said writ petitions.

3] Having invited the aforesaid direction of the learned Single Judge in the earlier set of writ petitions, according to us, it would be just and proper for the petitioners to take the appeals pending before the statutory appellate authority to a logical conclusion. Depending upon the outcome of the appeals, in case, the decision is against the writ petitioners, they are always at liberty to challenge the provisions of Slum Act, 1971 alongwith the decision of the appellate authority. In case, the writ petitioners are successful in the statutory appeals, then the challenge to the provisions of the Slum Act would become just academic.

3] With aforesaid observations, this petition is disposed of.

(CHIEF JUSTICE)

(M.S.SONAK, J.)