

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7255 OF 2017

Indira S. ShenavaPetitioner
V/s.
Dy. Collector (Encroachment/
Removal) and Ors.Respondents

Mr. R.R.Lanjekar, Advocate for Petitioner.
Ms. Kavita N. Solunkhe, AGP for the Respondent-State.
Mr. Vijay Vhatkar, Nayab Tehsildar (E/R) office of Dy. Collector,
Malad present.

CORAM :- SANDEEP K. SHINDE, J.
(VACATION COURT)
DATE :- 20TH OCTOBER, 2017.

PC. :-

The Petitioner's Appeal under Section 35 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 against the order dated 5.5.2016 passed by the Deputy Collector (Encroachment & Removal), the Competent Authority, Malad, came to be dismissed vide order dated 28.2.2017. This order was followed by a notice issued under Section 38 of the aforesaid Act.

2 Apprehending demolition of the structure allegedly occupied by the Petitioner, he has filed the subject Writ Petition. The

Petition was mentioned before the learned Judge of this Court and on 12.10.2017, this Court was pleased to grant ad-interim stay to the communication dated 5.10.2017, i.e., notice purportedly issued under Section 38 of the aforesaid Act.

3 Heard the learned counsel for the Petitioner and the learned AGP for the State. The learned AGP has pointed out that the State of Maharashtra has now constituted a committee called 'Apex Grievances Redressal Committee' to deal with the complaints of very nature and as such, the Petitioner may be relegated to existing alternate remedy available to him. The learned counsel for the Petitioner has consented and agreed to approach the said committee provided structure is protected for reasonable period.

4 That since an alternate remedy/forum is available to the Petitioner to assail the order passed by the Appellate Authority, he may approach the Grievances Redressal Committee by filing necessary proceedings. The Petitioner is required to file petition/application/appeal before the said committee on or before 24.10.2017. He shall serve copy of his application/representation/appeal to the contesting Respondents and notify the date of hearing scheduled by the said Committee. The Grievances Redressal Committee is hereby directed to decide

application/representation/appeal of the Petitioner on its own merits and in accordance with law within seven days from the date of filing of the application/representation.

5 That in the circumstances, interim order passed by this Court on 12.10.2017 is extended upto 30.11.2017. The Petition is partly allowed in the aforesaid terms and disposed of accordingly.

(SANDEEP K. SHINDE, J)