

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 12196 OF 2016

Nitesh Paul Parmar

.. Petitioner

v/s.

The State of Maharashtra & Anr.

.. Respondents

Mr. Sachin Masurkar for the petitioner

Mr. Vinod P. Sangvikar for respondent no.2

Mr. S.H. Kankal, AGP for respondent no.1

CORAM : M.S. SANKLECHA, J.

DATED : 16th NOVEMBER, 2017

PC.

1. Mr. Masurkar, learned Counsel for the petitioner, states that this petition is filed challenging the order dated 15th February, 2016 passed by respondent no.2 – Additional Collector (Encroachment / Removal), Western Suburbs under Section 35 of the Maharashtra Slums (Improvements, Clearance and Redevelopment) Act, 1971 (Act). Mr. Masurkar further states that during the pendency of the this petition, the petitioner was served with an eviction Notice dated 31st October, 2017 under Section 33 of the Act.

2. Mr. Masurkar, on instructions, seeks to withdraw this petition

with liberty to adopt appellate proceedings as provided under the Act in respect of both the impugned order dated 15th February, 2016 and the communication / order dated 31st October, 2017.

3. So far as the impugned order dated 15th February, 2016 is concerned, the petitioner seeks liberty to file an appeal to the second Appellate Authority viz. Grievance Redressal Committee under Section 35(1A) of the Act. So far as the order dated 31st October, 2017 received during the pendency of this petition under Section 33 of the Act is concerned, seek liberty to file an appeal to the first Appellate Authority provided under Section 35(1) of the Act. Liberty is granted.

4. In case, the petitioner files an appeal within a period of one week from today before the Grievance Redressal Committee along with an application for condonation of delay, the Grievance Redressal Committee would consider the same sympathetically. Needless to state that the respondents will not adopt any coercive proceedings to evict the petitioner consequent to order dated 31st October, 2017, till the time to file an appeal expires and if filed in time, till the disposal of the stay application, if any filed.

5. The petition is disposed of as withdrawn with liberty as prayed for.

(M.S. SANKLECHA, J.)