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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8324 OF 2017

Hum Ekta Welfare Society	...Petitioner
V/s.	
The State of Maharashtra & Ors.	...Respondents

WITH
WRIT PETITION NO.8323 OF 2017

Ganesh R. Kushalkar	...Petitioner
V/s.	
The State of Maharashtra & Ors.	...Respondents

WITH
WRIT PETITION NO.8326 OF 2017

Taher T. Ansari	...Petitioner
V/s.	
The State of Maharashtra & Ors.	...Respondents

Mr.Rakesh Kumar i/b Mr.V.S. Jabra for the Petitioners in all the Petitions.

Ms.Vaishali Nimbalkar, AGP for the State – Respondent in all the Petitions.

Mr.Omar K. Shaikh for the Respondent No.4 in all the Petitions.

CORAM : M.S. SONAK, J.
DATE : 15TH SEPTEMBER, 2017.

P.C. :-

1. Heard Mr.Rakesh Kumar along with Mr.Vijendra Jabra for

the petitioners in all the petitions. Mr. Shaikh appears for the respondent no.4 in all the petitions. Ms. Vaishali Nimbalkar, AGP appears for the respondent nos.1 to 3.

2. In all these petitions, challenge is to the order made by the Additional Collector under section 35(1) of the Maharashtra Slum Areas (Improvement and Clearance & Redevelopment) Act, 1971 (Slum Act). As against the impugned order, the petitioners, at least *prima-facie*, have an alternate remedy by way of instituting the appeals before the Grievance Redressal Committee in terms of section 35(1)(a) of the Slum Act. Accordingly, there is no necessity to entertain the present petitions at this stage. Rather, it will be appropriate if the petitioners are granted an opportunity to avail of an alternate remedy available to them under section 35(1)(a) of the Slum Act.

3. Mr. Rakesh Kumar however, submits that some limited protection may be granted to the petitioners, as otherwise, their right to avail of an alternate remedy may be frustrated. He points out that if such limited protection is not granted to the petitioners, the respondents may proceed to demolish the petitioners' structures out of, one of the structure is Balwadi. Mr. Rakesh Kumar states that necessary appeal before the Grievance Redressal Committee will be positively instituted within four weeks from today. Accordingly, the

parties are directed to maintain *status-quo* for a period of four weeks from today. Further, if the petitioners, institute the appeals within four weeks from today, then, the appeals may be disposed of on merits, without adverting to the issue of limitation. All other contentions of all the parties are however, left open for adjudication by the Appellate Authority.

4. With the aforesaid liberty, these petitions are disposed of.

(M.S. SONAK, J.)