

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

WRIT PETITION NO.9637 OF 2017

Trinath Jena	...Petitioner
V/s.	
The Additional Collector & Appellate Authority & Ors.	...Respondents

**WITH
WRIT PETITION NO.9638 OF 2017**

Sudhakar Lalchand Sharma	...Petitioner
V/s.	
The Additional Collector & Appellate Authority & Ors.	...Respondents

**WITH
WRIT PETITION NO.9643 OF 2017**

Bhagwan Jagannath Salu	...Petitioner
V/s.	
The Additional Collector & Appellate Authority & Ors.	...Respondents

CORAM : M. S. SONAK, J.

DATE : 14th SEPTEMBER 2017

P.C.

1. The learned counsel for the petitioners points out that as against the order, which is impugned in this petition, the petitioners have already instituted appeals before the Grievance Redresal Committee, Bandra, under Section 35(3) of the

Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971.

2. He submits that in terms of the provisions of the Section 35(3) of the Act, there would be an automatic stay on the implementation of the impugned order. In the aforesaid regard, he places on record the order made by this Court on 20th August 2013 in Writ Petition No.7513 of 2013, which reads as follows :-

“Heard.

The petitioners impugn the order of the Administrator and Divisional Commissioner, Konkan Division dated 17.8.2013 rejecting an application filed by the petitioners for grant of stay to the order of the Competent Authority under the provisions of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971.

The learned Assistant Government Pleader has rightly submitted that there would be an automatic stay to the order of the Competent Authority in view of the provisions of section 35 (3) of the Act and there was no need for the petitioners to apply for grant of stay.

Since there is an automatic stay to the orders, notices, directions and all prosecutions under section 35 (3) of the Act it was not necessary for the petitioners to apply for stay.

The writ petition is disposed of with no order as to costs.”

3. In view of the aforesaid, the learned counsel for the petitioners seeks leave to withdraw these petitions with liberty to

pursue the appeals filed before the Grievance Redresal Committee. Leave is granted with liberty as prayed for. The petitions are disposed of in the aforesaid terms.

(M. S. SONAK, J.)