

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

**CIL APPLICATION NO.87 OF 2017
IN
WRIT PETITION NO.2508 OF 2016**

The State of Maharashtra and others ..Applicants

IN THE MATTER BETWEEN

Mr. Subhash Ganpat Chavan ..Petitioner

Versus

The State of Maharashtra and others ..Respondents

Ms. Aparna Vhatkar for the Applicants.

Shri. M. S. Surana for the original Petitioner/Respondent No.1.

Shri. S. P. Thorat for the Respondent No.7.

**CORAM : R. M. SAVANT, J.
DATE : 20th JANUARY, 2017**

PC.

1 The above Civil Application has been filed for seeking modification of the order dated 16.03.2016 as regards the authority who is to hear the Appeals filed by the original Petitioners who are covered by the said order dated 16.03.2016 passed in Writ Petition No.2508 of 2016 and companion 8 matters. In the peculiar facts and circumstances of the said cases that the Collector Mumbai Suburban, District has been directed to hear and decide the Appeals, as the Appellate Authority had changed by virtue of the notification dated 13.01.2014 published in the Government Gazette on 18.01.2014. By the said notification, the

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Secretary, Slum Rehabilitation Authority is no more the Appellate Authority, but it is the Additional Collector (Enc/Rem) who is now the Appellate Authority. Since the orders passed by the Additional Collector (Enc/Rem) were the subject matter of the said Writ Petitions, this Court was of the view that an officer of the same rank i.e. Additional Collector could not be entrusted with the task of hearing the Appeals and it is in the said eventuality that the Collector Mumbai Suburban, District was directed to hear the Appeals. Since the Collector, Mumbai Suburban District is an officer higher in rank than the Additional Collector, this Court does not find any reason to modify the said order dated 16.03.2016. The Civil Application is accordingly rejected. The Collector, Mumbai Suburban District may see to it that the order is complied with in letter and spirit.

[R.M.SAVANT, J]