

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

WRIT PETITION NO. 12420 OF 2015

Milind Dattaram Kuvalekar

... Petitioner.

Versus

State of Maharashtra
and others

... Respondents.

....

Mr. Indrajeet R. Kulkarni for the Petitioner.

Mr. A.P. Vanarase, AGP for Respondent Nos. 1 and 4.

Mr. Mandar Limaye for Respondent Nos. 2 and 3.

Mr. Vijay D. Patil a/w Mr. Saurabh S. Kurade for Respondent No.5.

Ms. Rupali L. Dhivar for Respondent No.6.

....

***CORAM : Smt. Vasanti A Naik &
Riyaz I. Chagla, JJ.***

DATE : 23rd November, 2017.

P.C. :

Heard.

By this writ petition, the petitioner seeks a direction against the Corporation not to grant a commencement certificate to the respondent-developer, as the developer is not ready to grant the appropriate area in the redeveloped property, to which the petitioner would be entitled, as per the government resolution.

The learned counsel for the Corporation and the SRA have raised a preliminary objection to the tenability of the writ petition. It is submitted that a full bench of this Court has held in a bunch of

writ petitions bearing writ petition No.1326/2007 and others that as far as possible disputes and questions between the slum dwellers and the developers should not be entertained in writ petitions unless and until the parties exhaust the remedy of approaching the High Power Committee. It is stated that recently, by a notification issued under Section 37 of the Maharashtra Slum Areas (Improvement, Clearance And Redevelopment) Act, 1971, the parties are required to approach the apex grievance redressal committee. It is stated that the petitioner can as well approach the apex grievance redressal committee for redressal of his grievance.

In view of the preliminary objection raised on behalf of the respondent-Corporation and SRA, we dispose of the writ petition with liberty to the petitioner to avail the appropriate remedy. The points raised in the writ petition are kept open. In the circumstances of the case, there would be no order as to costs.

(Riyaz I. Chagla J)

(Smt. Vasanti A Naik, J)