

Shree Swami Vivekanand SRA VHS Ltd. ... Petitioner
v/s
State of Maharashtra and others ... Respondents

Ms Farzana Khan with Mr Govardhan Kamble with Ms Shilpa i/b Mr Bhushan Mahadik for Petitioner.

Mr Abhay Patki, AGP for Respondent Nos.1, 5 and 6.

Mr J.G. Reddy for Respondent No.2.

Mr Shriniwas Bobde i/b M/s K.V. Cheda and Co. for Respondent No.7.

Ms Deepa Pohuja with Ms Pratibha Rupnawar i/b M/s J. Law associates for Gemini Developers.

**CORAM: V.M. KANADE &
P.R. BORA, JJ.**

DATE : 10TH MARCH 2017

P.C. :-

1. The Petitioner is challenging the Notice dated 31st January 2017 issued by the Collector and Competent Authority directing the Police to give Police protection for the purpose of eviction of the Petitioner.

2. Perusal of the notice indicates that an order under sections 33, 38 of the Maharashtra Slum Act 1971 was passed on 27th September 2016. The said order was confirmed in Appeal. This order has not been challenged by the Petitioner by annexing the same to the Petition.

3. We are informed that the demolition has already begun. Mr Bobde, learned counsel appearing on behalf of Respondent No.7 submits that he is the original owner and the developer has expired. He submits that the Competent Authority could not have issued the order under sections 33, 38 of the said Act.

4. So far as rights of Respondent No.7 are concerned, he can take out appropriate proceedings for safeguarding his rights, if any.

5. Since the order under sections 33, 38 of the said Act has not been challenged in this Petition, we are not inclined to entertain

this Petition. Petition is accordingly disposed of with liberty to the
Petitioner to take out appropriate proceedings.

(P.R. BORA, J.)

(V.M. KANADE, J.)