

psv

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.1543 OF 2015

Mohd. Fahim Tahir Momin & Anr.	..Petitioners
Vs.	
The Slum Rehabilitation Authority & Ors.	..Respondents

Mr. Pradeep J. Thorat with Mr.Devendra Sharma for Petitioners.
Mr.Hiten Venegavkar, AGP for State-Respondent Nos.4 & 5.
Mr.Milind Gaware i/b. Mr.D.A. Nalavade for Respondent Nos.1 &3.
Mr.Sagar Patil for MCGM.

**CORAM : SHANTANU S. KEMKAR AND
G.S. KULKARNI, JJ.**

DATE : 10th OCTOBER 2017

P.C.:

1. Challenging the order dated 26th March 2015 (Exhibit B) passed by the respondent No.4, the petitioners have filed this petition.
2. The case of the petitioners is that the respondent No.4 passed the impugned order against the petitioners without giving an opportunity of hearing to them.
3. We have perused the reply filed on behalf of the respondent-State. From the reply, it is clear that before passing the impugned order, no opportunity of hearing has been given to the petitioners.

The learned Counsel for the respondent No.6 also does not dispute the aforesaid position.

4. In the circumstances, as agreed by the learned Counsel for the parties, we dispose of the petition by setting aside the impugned order dated 26th March 2015 passed by the respondent No.4. We direct the respondent No.4 to pass a fresh order after giving due opportunity of hearing to the petitioners as also to the respondent No.6. Parties to appear before the respondent No.4 on 6th November 2017 at 11.00 a.m.

5. The respondent No.4 shall thereafter fix the date for hearing of the parties within two weeks and after hearing the parties shall pass a final order in respect to the aforesaid matter within two months from the date of hearing of the matter.

6. All contentions of the parties are kept open. Interim order passed earlier shall continue till the matter is finally decided by the respondent No.4.

7. Petition is disposed of.

[G.S. KULKARNI, J.]

[SHANTANU S. KEMKAR, J.]