Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2282 OF 2017

Pravesh Kumar Sachdev …Petitioner
Versus
The State of Maharasthra & Ors …Respondents

Mr Sanjay Jain, *a/w Mr Prathamesh Kamat, i/b SS Pathak, for the Petitioner.*
Mr Manish Upadhyay, *AGP for the State/Respondent No.1.*
Mr Madhur S Surana, *for Respondent No.4.*

CORAM: G.S. PATEL, J
DATED: 21st November 2017

PC:-

1. Heard.

2. *Prima facie* Mr Jain is correct in saying that the Application before the Slum Areas Tribunal could not and, in equity ought not, to have been dismissed in the fashion it was on 26th April 2017 without a proper consideration of the application for condonation of delay of a few months. The Applicant Petitioner might have put to terms, but it is difficult to see how the entire application could have been rejected on merits without the delay first being condoned.

3. In consequence, I will issue Rule and make it returnable forthwith though for a limited purpose, which is only to condone the delay. That delay is condoned.

4. The Petitioner's Application at Exhibit "D" to the Petition is therefore restored to file of the Maharashtra Slum Areas Tribunal and Special Tribunal, Mumbai. It will be numbered by the Tribunal, which will act on production of an authenticated copy of this order, and it will then will be heard on merits. Parties will appear before the Tribunal on 30th November 2017.

5. All contentions are kept open including as to the question of the Petitioner's locus or right to file such an application/appeal. The Tribunal is requested to dispose of the matter on merits uninfluenced by its previous decision dated 26th April 2017 and to do so as expeditiously as possible, preferably by 25th January 2018.

6. Rule is made absolute in these terms. No costs.

7. Affidavit of service to be filed within one week from today.

(G. S. PATEL, J.)