

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

WRIT PETITION (L) NO. 1713 of 2017  
WITH  
CHAMBER SUMMONS 251 OF 2017  
IN  
WRIT PETITION (L) NO. 1713 of 2017  
WITH  
WRIT PETITION (I) NO. 1777 OF 2017  
WITH  
WRIT PETITION (L) NO. 1797 OF 2017  
WITH  
WRIT PETITION (L) NO.1804 OF 2017  
WITH  
CHAMBER SUMMONS (L) NO. 252 OF 2017  
IN  
WRIT PETITION (L) NO.1804 OF 2017

Sandeep V. Toraskar,  
Member of Andheri Anna Nagar  
Shiv SRA Co-op. Hsg. Soc.

.. Petitioner

v/s.

Chief Executive Officer & 2 Ors.

..Respondents

Mr.A. Y Sakhare, Sr. Advocate with Mr. Raviraj Shinde, Mr. R.S.Mirpuray i/b. Mr. Piyush Shah for the Petitioner in WPL/1713/2017

Mr. Vijay Patil for the Respondent No.SRA in WPL/1713/2017 and WPL/1797/2017 and WPL/1777/2017 and for the Respondent Nos.1 to 3 in WPL/1804/2017.

Mr. Arif Bookwalla, Senior Advocate with Mr. Kirti Munshi , Mr. Filji Fedrick, Mr. Kiran Jain, Mr. Ish Jain, Ms. Anita Kamble i/b. Kiran Jain and Co. for the Petitioner in WPL/1777/2017 and for the Respondent No.2 in WPL/1713 and for the Respondent No.4 in WP/1804/2017.

Mr.Milind Sathe, Sr. Advocate a/w. Mr. Mayur Khandeparkar , Prachi Jadhav, i/b. AKS Legal Consultant for Applicant/Intervenor in CHSL/256/2017 in WPL/1777/2017

Adv. Sagar Patil for Respondent-BMC in WPL/1777/2017

Mr.R.D.Soni for Petitioner in WPL/1797/2017.

Mr. Iqbal Chagla, Sr. Advocate a/w. Mr. S.U.Kamdar, Sr. Advocate, Chirag Balsara, Yashish Kamdar, i/b. Aditya Deolekar for the petitioner in WPL/1804/2017

Mr. Pravin Samdhani, Sr. Advocate a/w. Arun Panicker for the applicant in CHSWL/252/2017.

Mr.VA.Thorat, Sr. Advocate for the Intervenor

Mr. Swapnil Bangur a/w. Dushant Kumar i/b. Themis Legal for applicant/intervenor in WPL/1804/2017.

Mr.A.R.Shaikh for Respondent No.5 in WPL/1804/2017.

Ms. Geeta Shastri Addl. GP for State.

Ms. Jyoti Chavan AGP for State.

Mr. Dhanraj Pawar, Authorized Officer present in the Court.

**CORAM : ANOOP V. MOHTA &  
SMT. ANUJA PRABHUDESSAI, JJ.  
DATED : JULY 11, 2017.**

**P.C. :**

1. Heard the learned Counsels for the petitioners, the respondents as well as the intervenors in the respective petitions. All the petitions are taken up together since they involve a common issue.
2. All these writ petitions challenge the order dated 19th June, 2017, passed by the Chief Executive Officer of the Slum Rehabilitation Authority (SRA).
3. The petitioners have stated that pursuant to the clause (2) of the impugned order, a notice dated 27th June, 2017 has been issued for holding a General Body Meeting on 12th July, 2017 at 1 p.m. at Maheshwari Bhavan, New Link Road, Oshiwara, Andheri (West), Mumbai for appointment of New Developer under the supervision of Registrar of Slum Rehabilitation Authority. The grievance of the petitioners is that the Grievance Redressal Committee which is competent to hear the appeal as well as application for stay, is not yet made functional and hence they are unable to seek any urgent relief.

4. Shri Vijay Patil, the learned Counsel for SRA has produced before us the copy of the Order dt. 14th June 2017 in WPL/1554/2017. A perusal of the said order indicates that the Grievance Redressal Committee has already been constituted but is not made functional because of time constrain in providing the infrastructure. The said order indicates that the High Power Committee has been receiving applications and that the said applications would be transferred to the GRC as and when it becomes functional. By the said order, this Court has directed that till the GRC is made functional in terms of Rule 9 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) 2014, the High Power Committee will be functional and take up the issues and decide the appeals in accordance with the earlier procedure.

5. It is thus clear that the High Power Committee is competent to decide the appeals and other applications for interim reliefs till the Grievance Redressal Committee is made functional.

6. The grievance of the petitioners is that the High Power Committee has not declared the next date on which it is likely to assemble and hence they were unable to seek urgent reliefs. In this regard, it is relevant to refer to the decision of this Court in Writ Petition No. 2329 of 2016 dated 23rd December, 2016, wherein this Court while considering the issue of functioning of the High Power Committee, and particularly the issue regarding non availability of the High Power Committee for adjudicating the cases, except on 1st and 3rd Saturday of every calendar month had recorded the assurance of the State Government as under:-

“ Thus, there is an assurance that apart from the 1<sup>st</sup>, 3<sup>rd</sup> and 5<sup>th</sup> Saturday of every calendar month, once in a week on working Monday or Tuesday, the High Power Committee will function to deal with the urgent applications for ad-interim relief or interim relief. It is stated that in the exceptional circumstances, even on any other working day during the week, a High Power Committee will assemble for hearing such applications. Needless to add that an immediate threat of

dispossession of the Appellants/Applicants shall be treated as one of the exceptional circumstances warranting immediate hearing to be given by the High Power Committee to the Appellants/Applicants”

7. The High Power Committee is therefore required to abide by the above assurance. Thus, apart from 1st, 3rd and 5th Saturday, the High Power Committee is also required to assemble once in a week on a working Monday or Tuesday to deal with urgent applications for ad-interim relief or interim relief, and in exceptional circumstances even on any other working days during the week to hear such applications.

8. In the instant case, the meeting is proposed to be held on 12th July, 2017. Since the High Power Committee/ Grievance Redressal Committee has not fixed the date and was not available to deal with urgent applications, and considering the urgency in the matter, we are inclined to protect the petitioner till the High Power Committee/Grievance Redressal Committee decides the application

for stay/interim relief.

9. In view of the above, without going into the merits of the matter and by keeping open all the points and contentions, we are inclined to dispose of all these writ petitions by passing the following order:

- i) The petitioners are permitted to file the appeals, applications for interim relief (if not already filed) before the High Power Committee / Grievance Redressal Committee within one week from the date of this order.
- ii) The intervenors are also permitted to file intervention application before the High Power Committee/ Grievance Redressal Committee within a period of one week from the date of the order. The issue of maintainability of the intervention application or the locus of the intervenors will be subject to the decision of the High Power Committee/ Grievance Redressal Committee.
- iii) The High Power Committee /Grievance Redressal Committee shall assemble within two weeks from the date of receipt of the appeals/ applications by the respective parties.

iv) The High Power Committee/Grievance Redressal Committee shall decide the application for stay within a period of four weeks from the date of assembling.

v) The SRA shall not take any further steps pursuant to the notice dated 27th June 2017 and or any action in terms of clause (2) of the impugned order dated 19th June, 2017, till the disposal of the application for stay/interim relief by the High Power Committee/Grievance Redressal Committee.

. It is submitted before us that the authorized Officer who is to preside over the meeting scheduled on 12th July, 2017 is present before the Court and that he has taken note of this order which has been passed in the open Court. All concerned parties have also agreed to act on the basis of this order.

. All petitions/intervention applications are disposed of accordingly.

**(ANUJA PRABHUDESSAI, J.)**

**(ANOOP V. MOHTA, J.)**