

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

WRIT PETITION (L) NO. 2605 OF 2017

Manjula Narayan Patil	..	Petitioner
vs.		
The State of Maharashtra & Ors.	..	Respondents

Mr. D. S. Sakhlakar with Mr. Ankit Dubey i/b. V. R. Tripathi for
Petitioner.

Mr. Manish Upadhyay – AGP with Mr. Himanshu Takke – AGP for
State - Respondent Nos. 1, 2 and 5.

Mr. Ajay K. Pandey for Respondent No. 3.

Ms Ketaki Mishra i/b. Diamondwala & Co. for Respondent No. 4.

CORAM : M. S. SONAK, J.

DATE: 04 OCTOBER 2017

P.C :

1] Heard learned counsel for the parties.

2] Rule. With the consent of and at the request of learned
counsel for the parties, Rule is made returnable forthwith.

3] The petition challenges order dated 16th September 2017
made by the Apex Grievance Redressal Committee declining
interim relief to the petitioner.

4] The appeal to the Apex Grievance Redressal Committee is
provided under Section 35(1A) of the Maharashtra Slum Areas
(Improvement, Clearance and Redevelopment) Act, 1971 (Slum

Act). Sub section (3) of Section 35 provides that on the admission of an appeal, all proceedings to enforce the notice, order or direction and all prosecutions for any contravention thereof shall be held in abeyance pending the decision of the appeal and if the notice, order or direction is set aside on appeal, disobedience thereto shall not be deemed to be an offence. These provision suggest that once the appeal has been admitted, all proceedings to enforce the notice, order or direction shall be held in abeyance.

5] In this case, from the impugned order, it is not quite clear whether the Apex Grievance Redressal Committee has actually admitted the petitioner's appeal or not. In any case, the order declining interim reliefs is unsustainable because, the provisions of sub section (3) of section 35 of the Slum Act will have to be given some meaning and in terms thereof, the notice under challenge will have to be kept in abeyance. Learned counsel for the petitioner relies upon the order made by this Court on in the case of **Sunil Pandurang Telge & Ors. vs. The Administrator & Divisional Commissioner & Ors.**¹ The order seems to proceed on the basis of a concession made. Rather than decide the larger issue in this case, the interests of justice will be met if the Apex Grievance Redressal Committee is directed to dispose of the petitioner's appeal one way or the other within a period of four weeks from the

1 Writ Petition No. 7513 of 2013 decided on 20th August 2013.

date of submission of authenticated copy of this order. During the pendency of the appeal, however, the notice which is impugned in the appeal, will not be enforceable. The petitioner to cooperate in the matter of expeditious disposal of the appeal. The petitioner makes a statement that the petitioner will not delay the proceedings before the Apex Grievance Redressal Committee.

6] The parties to appear before the Apex Grievance Redressal Committee on 13th October 2017 and produce authenticated copy of this order.

7] Rule is disposed of in the aforesaid terms. There shall be no order as to costs.

8] All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)

Chandka