

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2842 OF 2016

Shri Nivritti Gopala Patil] Petitioner
Vs.
Slum Rehabilitation Authority & Ors.] Respondents

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Ms. Katira i/b Hina A. Mody, for petitioner.

Mr. Manoj Badgujar i/b A.P. Kulkarni, for respondent No.1.

Mr. Nitesh S. Nevshe, from High Court Legal Aid, for respondent No.2.

Mr. S. Karmakar, A.G.P, for respondent No.3-State.

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CORAM : R.G. KETKAR, J.

DATE : 12th JULY, 2017.

P.C.

Heard Ms. Katira, learned Counsel for the petitioner, Mr. Badgujar, learned Counsel for respondent No.1, Mr. Nevshe, learned Counsel for respondent No.2 and Mr. Karmakar, learned A.G.P, for respondent No.3.

2. Matter was heard on 28th June, 2017. Ms. Katira states that her appearance is not properly recorded in the sense that in stead of '**Katira**' '**Kalina**' is recorded.

3. In view thereof, wherever word '**Kalina**' appears, same

shall be substituted by the word '**Katira**' in the order dated 28th June, 2017.

4. Ms. Katira states that in paragraph 3 of the order instead of '**Flat No. A-505**' '**Flat No.205**' is recorded. In view thereof, words and figures '**Flat No. 205**' shall be substituted by words and figures '**Flat No. A-505**'. Order dated 28th June, 2017 stands corrected accordingly. Rest of the order remains as it is.

5. In the order dated 28th June, 2017, presence of respondent No.2 is recorded. During course of hearing, Mr. Kulkarni fairly submitted that he was not in a position to substantiate whether Chief Executive Officer [C.E.O], Slum Tribunal Authority was competent to pass order dated 18th July, 2016. It was further suggested to respondent No.2 that as the order dated 18th July, 2016 is not sustainable, respondent No.2 can consider approaching appropriate forum against the order dated 8th September, 2005 passed by the Secretary, Slum Rehabilitation Authority. Respondent No.2 sought time on the ground that she has to consult with her family members and at her request matter was adjourned till today.

6. Respondent No.2 is present in the Court along with her aunt. She has also expressed her readiness to go before appropriate authority against the order dated 8th September, 2005 passed by the Secretary, Slum Rehabilitation Authority. Writing of respondent No.2 on Farad Sheet is marked 'X' for identification. Respondent No.2 has also tendered photo copy of her Aadhar Card,

which is taken on record and marked 'Y' for identification.

7. In view thereof, order dated 18th July, 2016 is set aside as also notice dated 16th August, 2016 issued by Deputy Collector is set aside with liberty to respondent No.2 to approach appropriate Forum including High Power Committee challenging decision dated 8th September, 2005 passed by the Secretary, Slum Rehabilitation Tribunal. It is made clear that I have not examined merits of the case. All the contentions of the parties in the proposed proceedings are expressly kept open. Mr. Nevshe states that respondent No.2 will adopt appropriate proceedings before the appropriate forum within two weeks from today. If such proceedings are initiated before the appropriate Forum, the concerned Forum is requested to decide the proceedings as early as possible, in any case, within 8 weeks after completion of service. Petition is disposed of accordingly.

[R.G. KETKAR, J.]