

DDR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION (ST) NO. 24 OF 2018**

Lalitadevi Rajwant Jaishwal ...Petitioner

Vs.

Deputy Collector  
(Encroachment/Eviction) & anr. ...Respondents

WITH

**WRIT PETITION (ST) NO. 25 OF 2018**

Seema Ketan Joshi ...Petitioner

Vs.

Deputy Collector  
(Encroachment/Eviction) & anr. ...Respondents

WITH

**WRIT PETITION (ST) NO. 26 OF 2018**

Maya Vishwas Sawant ...Petitioner

Vs.

Deputy Collector  
(Encroachment/Eviction) & anr. ...Respondents

WITH

**WRIT PETITION (ST) NO. 27 OF 2018**

Hamid Majid Kureshi ...Petitioner

Vs.

Deputy Collector  
(Encroachment/Eviction) & anr. ...Respondents

.....  
Mr. Sameer S. Kolge, Advocate for the petitioners in all Petitions.

Mrs. Kavita Salunke, AGP

.....

**CORAM : M.S.KARNIK, J.**

**DATE : 9<sup>th</sup> JANUARY, 2018.**

**P.C.:-**

Heard learned Counsel for the petitioners and  
learned Counsel for the respondents.

2. These petitions have been filed challenging the order passed by the respondent No.1 dated 29/12/2017 under Section 3(z)(2) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 ('the Slum Act' for short). Learned AGP raised preliminary objection that the remedy under Section 35 of the Slum Act of filing of appeal before the Additional Collector has not been exhausted by the petitioners. Learned Counsel for the petitioners submits that after filing of the petitions, he has already preferred appeals

before the Collector against the impugned order. In this view of the matter, relegating the petitioners to the alternate remedy of appeal which they have already availed of, the present petitions are disposed of.

3. Needless to mention that I have not expressed any opinion on the merits of the matter. The Additional Collector is free to decide the appeals on its own merits and in accordance with law.

4. Learned Counsel for the petitioners submits that he would apply for grant of appropriate interim reliefs before the Additional Collector which may take some time to obtain. In the interest of justice, the respondents are directed to maintain the status quo in respect of the suit structures for a period of one week from today so as to enable the petitioners to make an appropriate application for interim reliefs before the Additional Collector which shall be considered on its own merits.

5. The office objections, if any, are dispensed with. The Writ Petitions are disposed of with no order as to costs.

**(M.S.KARNIK, J.)**