

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 7900 OF 2009****Mohammed Aghar Hussain A.Sayed Petitioner****VERSUS****The State of Maharashtra & Ors. Respondents**

Mr.Shashipal Shashank for the Petitioners.

Mr.Vijay D.Patil for the Respondent no.3.

Mr.S.R.Rayrikar, A.G.P. for the State – Respondent nos. 1,2 and 4.

CORAM : R.D. DHANUKA, J.**DATE : 8th JANUARY, 2018****P.C.**

Learned counsel appearing for the petitioner invited my attention to the order dated 28th June, 2017 passed by Shri K.K.Tated J., in Writ Petition No.10724 of 2016 directing the authority to decide the appeal preferred by the petitioner in that matter and would submit that the petitioner in this case also is ready and willing to invoke the provisions of section 35(1-A) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 and seeks liberty to withdraw this petition on that ground. Learned A.G.P. has no objection if the petition is allowed to be withdrawn with liberty to the petitioner to invoke the provisions of section 35(1-A) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971. Statement is accepted.

2. Writ petition is accordingly allowed to be withdrawn with liberty

to file an appeal under section 35(1-A) of Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 before the Grievance Redressal Committee constituted by the State Government under the said amended provisions inserted Act of 2012 w.e.f. 19th June, 2012. The appeal shall be filed within four weeks from today and a copy thereof shall be served upon the contesting respondents. Ad-interim protection granted by this court on 14th September, 2009 by Shri D.B.Bhosale, J. to continue till disposal of the appeal that may be preferred by the petitioner and for a period of two weeks from the date of communication of the order as may be passed by the authority.

3. It is made clear that if the appeal is not preferred by the petitioner within four weeks from today, the interim protection granted by this court on 14th September, 2009 and continued by this order to stand vacated.

4. The concerned appellate authority shall decide the appeal if preferred by the petitioner within four weeks from today within a period of four months from the date of filing of such appeal.

5. Writ petition is disposed of in the aforesaid terms. No order as to costs.

6. The parties as well as the authorities to act on the authenticated copy of this order.

[R.D. DHANUKA, J.]