

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 12244 OF 2018

Saliyan Shekhar and others

...Petitioners

Versus

The Deputy Collector (SRA),
Mumbai City and others

...Respondents

....

Mr. S.M. Sabrad i/b. Amey C. Sawant, Advocate for the petitioners.

Mr. Milind More, Advocate for Respondent No.1-SRA.

Mr. Girish Utangale a/w Suyesh Gadre i/b. Utangale & Co. for
Respondent No.2-MHADA.

Mr. Anand Singh, Advocate for Respondent No.3.

Mr. S.R. Ganbavale, Advocate for Respondent No.4.

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CORAM : R. G. KETKAR, J.

DATE : 27th NOVEMBER, 2018

P.C.

1. Heard Mr. S.M. Sabrad, learned counsel for the petitioners, Mr. Milind More, learned counsel for respondent No.1-SRA, Mr. Girish Utangale, learned counsel Respondent No.2-MHADA, Mr. Anand Singh, learned counsel for Respondent No.3 and Mr. S.R. Ganbavale, learned counsel for Respondent No.4, at length.

2. This Petition takes exception to the order dated 17.10.2018 passed by respondent No.1, Deputy Collector (SRA), Mumbai City. By that order, respondent No.1 directed the petitioners who are non-cooperative occupiers to vacate the structures in their possession in lieu of one year rent @ Rs.10,000/- per month from the third respondent

and hand over possession of their structures and the land beneath said structures within ten days, failing which action under Section 33/38 of the Maharashtra Slum Areas (Improvement, Clearance And Redevelopment) Act, 1971 (for short, 'Act').

3. Mr. Sabrad, on instructions, states that the petitioners will file appeal before the Apex Grievance Redressal Committee (for short, 'Committee') on or before 30.11.2018 and serve copy in advance on Mr.Anand.

4. In view thereof, the petition is disposed of reserving liberty to the petitioners to file appeal challenging the impugned order before the Committee. The appeal shall be filed on or before 30.11.2018 and copy shall be served on respondent No.3 and other respondents. It is reported that the Committee is holding sitting on 7.12.2018. The Committee, therefore, is requested to decide the appeal or at least decide application for interim relief on 7.12.2018. All contentions of the parties are expressly kept open. Till decision on appeal or stay application and for a period of two weeks from such decision from the date of communication, the impugned order dated 17.10.2018 shall not be implemented. Order accordingly.

(R. G. KETKAR, J.)