

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION [STAMP] NO.33291 OF 2018

Radheshyam Vishwakarma (since deceased)	]	
through his one of the legal heirs	]	
Rajiv Radheshyam Vishwakarma	]	Petitioner
Vs.		
The State of Maharashtra through	]	
the Deputy Collector, Western Suburban, S.R.A	]	
and others.	]	Respondents

.....

Mr. Sangharsh Waghmare, for Petitioner.
Mr. Amol Patil, A.G.P, for Respondent No.1.
Mr. Rishikesh Suri a/w Ashok Purohit i/b Ashok Purohit & Co., for Respondent No.2.
Mr. Vishal Kanade a/w A. Shaikh i/b A.S.D Associates, for Respondent No.4.
Mr. G.W. Mattos, for Respondent No.5.

.....

CORAM : R.G. KETKAR, J.

DATE : 3rd DECEMBER, 2018.

P.C:

Heard Mr. Waghmare, learned Counsel for the petitioner, Mr. Patil, learned A.G.P, for respondent No.1, Mr. Suri, learned Counsel for respondent No.2, Mr. Kanade, learned Counsel for respondent No.4 and Mr. Mattos, learned Counsel for respondent No.5.

2. This Petition takes exception to the order dated 8th October, 2018 passed by the Deputy Collector, Western Suburbs, Slum Rehabilitation Authority directing the petitioner amongst others to vacate the structures in their possession and hand over possession of the land beneath the structure within 10 days.

3. The matter was heard on 26th November, 2018. On that day, statement of Mr. Waghmare that the petitioner will file appeal before Apex Grievance Redressal Committee (for short 'Committee') on or before 29th November, 2018 and serve privately respondents No.3 to 5 was recorded. After recording the statement, the matter was adjourned to 30th November, 2018 and till next date of hearing, notice dated 19th November, 2018 issued by Deputy Collector (Western Suburbs) Slum Rehabilitation Authority was ordered not to be implemented. The matter was thereafter preponed to 29th November, 2018.

4. Mr. Waghmare states that in pursuance of the order dated 26th November, 2018, the petitioner has filed Appeal No.250 of 2018 before the Committee on 29th November, 2018. He assures that he will serve copy of the appeal on respondents No.3 to 5 latest by 4th December, 2018. He also assures that he will file application for interim relief and serve copy on respondents No.3 to 5 latest by 4th December, 2018.

5. This Petition can conveniently be disposed of by granting limited protection till 7.12.2018. Mr. Mattos states that the Committee is meeting on 7th December, 2018. The petitioner should file an application for interim relief in the meantime and serve copy on all the affected parties. On 7th December, 2018, the Committee shall consider granting ad-interim relief prayed by the petitioner. If for any reason the Committee is not in a position to take up the matter on that date, it will suitably pass ad-interim relief so as to protect the petitioner's interest and fix the matter as per its convenience. Till 7th December, 2018, the impugned order dated 8th October, 2018 is stayed.

6. Application for ad-interim relief shall be considered on its own merits and in accordance with law. Granting of the relief shall not be construed as an expression of merits either way. All contentions of the parties are expressly kept open. Subject to this, the Petition is disposed of. Order accordingly.

[R. G. KETKAR, J.]