

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13621 OF 2018

Devi Ramkeval alias Rampher Yadav ... Petitioner
Vs.
The Chief Executive Officer, S.R.A. and others ... Respondents

Mr. S. P. Srivastava for Petitioner.
Mr. Mohansinh Rajput a/w. Ms Suma Kudapali i/b. Kshitija Wadkar &
Associates for Respondents No.1 and 2.
Mr. S. G. Surana for Respondent No.3.

CORAM : R. G. KETKAR, J.
DATE : DECEMBER 3, 2018

P.C. :

Heard Mr. Srivastava, learned Counsel for the petitioner,
Mr. Rajput, learned Counsel for respondents No.1 and 2 and Mr. Surana,
learned Counsel for the respondent No.3.

2. Mr. Srivastava states that he has served proceedings of this
Petition privately on the newly added respondent - Apex Grievance
Redressal Committee (for short 'Committee') as also intimated that the
matter will be taken up for 'admission' on 03.12.2018 or thereafter. The
said notice is taken on record and marked 'X' for identification.
However, none appears on behalf of the Committee.

3. This Petition takes except to the order dated 17.11.2018 passed by
the Deputy Collector, Eastern Suburbs, Slum Rehabilitation Authority
(for short 'Deputy Collector') directing the petitioner among others to
take possession of permanent alternate accommodation within 10 days
after vacating the structure in their possession, failing which action
under Section 32/38 of the Maharashtra Slum Areas (Improvement,
Clearance And Redevelopment) Act, 1971 will be taken against the

petitioner.

4. Against the decision of the Deputy Collector, the petitioner has an equally efficacious alternate remedy of filing appeal before the Committee. In view thereof, I am not inclined to entertain this Petition.

5. Mr. Srivastava assures that he will file appeal as also application for interim order before the Committee on or before 05.12.2018 and shall serve copy on the other side during this period. The petitioner shall move for ad-interim order before the Committee, which I am told is sitting on 07.12.2018. The Committee will consider granting ad-interim relief on 07.12.2018. If for any reason, the Committee is unable to take up the matter, it will give suitable date and pass appropriate interim order, protecting the structure of the petitioner. Till 07.12.2018, no coercive steps shall be taken in pursuance of the impugned order dated 17.11.2018. Grant of this limited protection shall not be construed as an expression of merits either way. All contentions of the parties on merits are expressly kept open. Petition is disposed of accordingly.

(R. G. KETKAR, J.)

Minal Parab