

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.2791 OF 2018

Conforce Engineers & Contractors	..Petitioner
Versus	
Slum Rehabilitation Authority and others	..Respondents

Mr. Aditya Bhatt I/by M/s. Bespoke Legal, Advocate for the Petitioner.

Mr. Anoop U. Patil, Advocate for Respondent Nos.1 & 2.

Ms. Jyoti Chavan, AGP for Respondent No.3 – State.

Ms. Snehal Sankhe - Section Officer, office of Lokayukt present in Court.

**CORAM : B. R. GAVAI &
M. S. KARNIK, JJ.
DATE : 26th OCTOBER, 2018**

ORAL JUDGMENT (Per B. R. Gavai, J)

1] Rule. Rule is made returnable forthwith. Heard by consent of parties.

2] The Petitioner has approached this Court, thereby directing Respondent No.1 to issue further C.C. (Commencement Certificate) of the saleable component of the Slum Rehabilitation Scheme for implementation of the scheme undertaken by the Petitioner upon land bearing CTS No.150 (Part) situated at village Pahadi Goregaon off M. G. Road, Goregaon (W), Mumbai-400 062.

3] It will be relevant to refer to affidavit in reply filed on behalf of Respondent No.1.

“9. I say and submit that the Petitioner has also approached the Apex Grievance Redressal Committee (AGRC) vide an Application in the month of April, 2018 seeking prayers against the office of the answering respondent. I say that since the said dispute is already subjudice before the said Committee, this Hon'ble Court may issue necessary direction for the said Application to be decided on its merits. Without prejudice, I say and submit that, the Learned Lok Ayukta being an authority under the Maharashtra Lok Ayukta & Upa Lok Ayuktas Act, 1971, the office of the answering respondent has been following the directions so issued by the said Authority and trying to ensure redressal of the dispute interse the concerned parties in light of the said orders of the Learned Lok Ayukta. I say that in furtherance to the clarification issued by the Learned Lok Ayukta vide its letter dated 19.03.2018, the office of the answering respondent has also intimated the Legal Advisor of the Apex Grievance Redressal Committee in furtherance whereof hearing was already conducted by the Committee on 8.06.2018. Annexed hereto and marked as **Exhibit-R2** is a copy of the Application filed by the Petitioner before the Apex Grievance Redressal Committee.

10. At the cost of repetition, I humbly say and submit that the office of the answering respondent being bound by the directions of the Learned Lok Ayukta has issued letters and passed directions time and again. I say that, the Petitioner now being before the AGRC in furtherance to the clarification issued by the office of the Respondent No.3 can now get its grievance redressed before the said Authority. Without prejudice to the aforementioned the answering respondent states that, the present Petition

filed by the Petitioner present various factual aspects which cannot be ascertained/scrutinized under the Writ jurisdiction of this Hon'ble Court and therefore the said grievance raised by the Petitioner can be decided before the AGRC.”

Perusal of the affidavit in reply filed on behalf of Respondent No.1 would reveal that further C.C. to be issued in favour of the Petitioner, has been withheld in view of the communication dated 18th September 2009 addressed by the office of Respondent No.3.

4] In that view of the matter, we had requested the learned AGP to take instructions from the office of Respondent No.3 as to under what authority such orders are passed by the Respondent No.3. Learned AGP on instructions of Ms. Snehal Sankhe, Section Officer from the office of Respondent No.3 makes a statement that no such orders are passed by Lokayukta. Apart from that we are of the considered view that Lokayukta will not have jurisdiction to issue directions which are reflected in the communication dated 18th September 2009. Since the further C.C. is withheld only on account of the communication from the office of Respondent No.3, in that view of the matter, Petition deserves to be allowed. Rule is made absolute in terms of prayer clause (a).

5] Needless to state that this shall be subject to the completion of all the formalities by the Petitioner as well as all compliances as are required under the relevant provisions applicable to the Respondent Nos.1 and 2.

[M. S. KARNIK, J.]

[B. R. GAVAI, J.]