

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION (ST) NO. 672 OF 2018**

Aman Welfare Society and Ors. ...Petitioners

Vs.

Deputy Collector (Enc/Rem) and  
Competent Authority, Borivali and Ors. ...Respondents

Mr. Tushar Kochale for the Petitioners.

Mr. V.D. Patil for respondent no. 2.

Mr. Himanshu Takke, AGP for State.

**CORAM : SHANTANU KEMKAR &  
M.S. KARNIK, JJ.**

**DATE : MARCH 01, 2018**

**P.C.:**

A preliminary objection has been raised by the learned A.G.P. that against the impugned notice dated 15.02.2018, the petitioner has alternate and efficacious remedy of appeal under section 35 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971. In the circumstances, he submits that petition be not entertained.

2. Facing with the said preliminary objection, the learned counsel for the petitioner submits that the petitioner may be

permitted to withdraw this petition with liberty to the petitioner to challenge the said notice before the appellate authority.

3. Having regard to the aforesaid prayer, we dispose of this petition with liberty to the petitioner to challenge the impugned notice dated 15.02.2018 Exh. "A" before the appellate authority. We expect that in case the appeal is filed by the petitioner before the appellate authority along with application for interim relief, the appellate authority shall consider the same and pass appropriate orders on interim relief prayer in accordance with law as expeditiously as possible and shall also decide the appeal as expeditiously as possible.

4. With the aforesaid directions, petition is disposed of.

**(M.S. KARNIK, J.)**

**(SHANTANU KEMKAR, J.)**