

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

**REVIEW PETITION NO.43 OF 2017
IN
WRIT PETITION NO.1162 OF 2016**

Ramdhyan Jamuna Kushwaha and ors. : Review Petitioners

In the matter of

Ramdhyan Jamuna Kushwaha and ors. : Petitioners.

Versus

State of Maharashtra and ors. : Respondents.

Mr. Angad Giri a/w Mr. Sagar Batavia for the Petitioners.

Mr. Amit Shastri AGP for the Respondent/State.

Mr. Jagdish G Reddy for the Respondent Nos. 2 and 3.

Mr. Prasad Gaonkar a/w Ms. Priyanaka H Rane for the Respondent No.5.

**CORAM : R. M. SAVANT &
SANDEEP K SHINDE, JJ.**

DATE : 22nd FEBRUARY 2018

P.C.

1 The above Review Petition has been filed seeking review of the order dated 18/04/2017 passed by a Division Bench of this Court (V.M.Kanade and C.V.Bhadang, JJ). By the said order the above Writ Petition filed by the Petitioners was disposed of on the ground that the Petitioners have approached the City Civil Court by way of a suit and therefore have exercised their option of exhausting the alternate remedy.

2 In so far as the above Writ Petition is concerned, the substantive relief sought by the Petitioner was the direction to the High Powered

Committee to decide the interim application in a time bound schedule in respect of the land bearing CTS No.578(pt) and 578/1 to 28 of Village Malad, Mumbai. It seems that on the day when the said Writ Petition was listed before the Division Bench, the Petitioners were unrepresented resulting in the order being passed and the said Writ Petition being disposed of.

3 In our view, a case for review of the said order dated 18/04/2017 is made out. The Petitioners have approached the High Powered Committee in respect of the sanction of Slum Rehabilitation Scheme on the land in question. Since the said challenge would be lie only before the High Powered Committee, filing of the suit by the Petitioners cannot come in the way of the Petitioners in prosecuting their remedy before the High Powered Committee. As indicated above the Petitioners by the above Petition were only seeking directions as regards expeditious disposal of the interim application. Hence the order dated 18/04/2017 is required to be reviewed. The same is accordingly reviewed. Consequently the Writ petition would stand restored to file. On such restoration the above Writ Petition to be listed before the appropriate Court. The above Review Petition is accordingly allowed and disposed of.

[SANDEEP K SHINDE, J]

[R.M.SAVANT, J]