

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

WRIT PETITION (L) NO.2153 OF 2018

Sherkhan Nazir Mohd. Khan and Another ...Petitioners

vs.

The Dy. Collector (Enc./Rem)
and Competent Authority, SRA and Others ...Respondents

Mr. S.G. Kudle, for the Petitioners

Mr. L.T. Satelkar, AGP for Respondents-State.

**CORAM : SHANTANU KEMKAR &
N. W. SAMBRE, JJ.**

DATE : JUNE 29, 2018

P.C.:

- . Parties through their counsel.
2. Rule.
3. With consent of the parties heard finally and disposed of at the stage of admission itself.
4. Briefly stated, the Petitioners have challenged the order dated 11th April, 2018 passed by Respondent No. 1 – Dy. Collector (Enc./Rem) in the matter of Slum Appeal No. 74 of 2018. The said Appeal is pending before the Appellate Authority. In the meanwhile, Respondent No. 1 has issued a notice dated 20th June, 2018 (Exhibit “C”) directing the Petitioners to vacate the premises.
5. The learned counsel for the Petitioners submits that in

view of the amended provision of Section 35 of the Maharashtra Slum Areas (Improvement Clearance and Redevelopment) Act, 1971 which came into force w.e.f. 26th April, 2018, the Petitioners are required to obtain stay from the Appellate Authority. He undertakes that the Petitioners will file stay application before the Appellate Authority within a week.

6. In view of the aforesaid, we dispose of this Petition by observing that in case the stay application as aforesaid is filed within a week, the Appellate Authority shall consider and decide it within four weeks from the date of receipt of it.

7. Till the stay application is considered and decided by Appellate Authority no coercive steps be taken against the Petitioners in pursuance to the impugned notice dated 20th June, 2018.

8. With the aforesaid, the Petition is disposed of.

9. Rule made absolute with the aforesaid terms.

10. Parties to act on the authenticated copy of this order.

(N.W. SAMBRE, J.)

(SHANTANU KEMKAR, J.)