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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 6619 OF 2019**

Kokila Manu Waghela and others

.....Petitioners

V/s.

Apex Grievance Redressal Committee
and others

.....Respondents

Mr. Akhilesh Dube i/b Mr. Dharmesh Joshi for the Petitioner
Mr. S. D. Rayrikar AGP for the State
Mr. Santosh Pathak for respondent no. 3
Mr. G. W. Mattos for respondent no. 1

CORAM : NITIN W. SAMBRE, J.**DATE : JUNE 19, 2019.****P.C.**

Heard respective counsel for the parties.

2 Petitioners are served with notice under Section 33/38 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (Hereinafter referred to as 'the Act') as a consequence of decision of the Grievance Committee in vacating the

interim relief granted in their favour.

3 The submission of the learned counsel for the petitioner is, order vacating the interim relief granted in favour of the petitioner is without hearing and considering the material on record which was produced at the behest of petitioner. The learned counsel would invite attention of this Court to request for short adjournment sought before Committee for absence of lawyer.

4 *Per contra* the learned counsel for the respondent supports the order of Grievance Committee on the ground that the reasons in the order are based on appreciation of documentary evidence on record.

5 Be that as it may, what could be noticed from the order impugned passed by the Grievance Committee on 16/03/2019 is, the petitioner moved a prayer for adjournment through his representative, however the Committee has proceeded to analyze the submissions of the respondent-developer and passed the order impugned. The Committee has not dealt with the case of the

petitioner put forth in memo of appeal brought before it. As such, it could be inferred that there was denial of opportunity of hearing to the petitioner.

6 That being so, order impugned dated 16/03/2019 and the consequential notice issued to the petitioner under Sections 33/38 of the Act is hereby quashed and set aside.

7 The petitioner agree to appear before Grievance Committee on July 9th 2019 with an assurance that he shall not make any attempt to adjourn or prolong the matter and shall work out the same on the date fixed by the Grievance Committee.

8 With above observations, petition stands disposed of.

[NITIN W. SAMBRE, J.]