

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION (ST) NO. 10084 OF 2019

1 Sherifabi Sayyed Mehbbob & Ors. ... Petitioners

Vs

1 Dy. Collector (Encr) & Ors. ... Respondents

Mr. R.A. Rajhans for the Petitioners.

Mr. M.K. Rajpurohit, AGP, for the Respondent-State.

Mr. Anand Mhatre i/b Diamondwala & Co. for the Respondent No.2.

***CORAM : S.C. DHARMADHIKARI &
SANDEEP K. SHINDE , JJ.***

MONDAY, 15TH JULY, 2019

P.C. :

1 The petitioners have approached the Apex Grievance Redressal Committee by filing Application No. 79 of 2019. That is pending.

2 They have moved this petition because that Committee did not grant any interim protection.

3 On 10th April, 2019, after hearing both sides on this petition, the following order was passed :

“ Not on Board. Taken on Board.

1 The learned counsel appearing for the Respondent No.2 states that the interim application made by the petitioners has been disposed of by passing an order on last Friday. However, a copy of the same is not available. According to him, the petitioners have made a concession. He had produced on record, a copy of letter dated 8th April 2019.

2 Place the petition under the caption of fresh admission on 26th April 2019. In the meanwhile, no action of eviction shall be taken on the basis of the impugned order at Exhibit – D. If a copy of the interim order becomes available and if the petitioners so desire, it will be open for them to apply to the Court for grant of permission to amend the petition for challenging the said order.”

4 We have perused the writ petition and the annexures thereto with the assistance of the petitioner’s advocate. We are of the firm view that there are disputed factual issues involved. The petitioners have already availed of an alternate, equally efficacious remedy, namely, the Apex Grievance Redressal Committee. Having approached that Committee, but finding that no interim order protecting the structures and the petitioners’ occupation thereof, this writ petition is moved.

5 We deem it fit to dispose of this writ petition with the

following order. That serves the ends of justice.

(a) The petitioners shall appear before the Apex Grievance Redressal Committee on 29th July, 2019. This Committee shall dispose of the proceedings before it as expeditiously as possible and, in any event, within a period of two months from the date of the petitioners appearance.

(b) The order passed on 10th April, 2019, reproduced above, to operate as an interim order during the pendency of the proceedings before the Committee.

(c) We clarify that we have not expressed any opinion on the rival contentions.

6 This writ petition is disposed of by keeping open all contentions.

SANDEEP K. SHINDE, J.

S.C. DHARMADHIKARI, J.