

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5600 OF 2019**

Aslam Hasimali Shaikh and Ors. ... Petitioners

Vs.

The State of Maharashtra and Ors. ... Respondents

Mr.M.Imran Farooqui for the Petitioners.

Mrs.Ashwini A. Purav, AGP for State-
Respondent Nos.1 and 2.

Mr.Amol Mhatre a/w Asha Nair i/b
Diamondwala & Co. for Respondent No.5.

Mr.J.G.Aradwad (Reddy) a/w Ms.Krishna
Patel i/b Kshitija Wadkar for
Respondent Nos.3 and 7.

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

DATE :- JULY 19, 2019

P.C. :-

1. On previous occasion, this Court passed the following order.

“1 Let the advocates for both sides be informed the name of the advocate engaged by the Slum Rehabilitation Authority.

2 In this case, the Slum Rehabilitation Authority is being sued through the Chief Executive Officer.

3 The request is that there is no Grievance Redressal Mechanism in place so as to redress completely the grievance of the petitioners. We only wanted to know whether any such arrangement has been made by the State or the SRA. For that, we are informed that Mr. Jagdish Aradwad Reddy who ordinarily appears for the Slum Rehabilitation Authority is not engaged by the SRA in this matter and some other advocate is assigned the brief.

4 Let the name of the advocate be given during the course of the day. The Registry officials shall contact this advocate by telephone / email etc. as also ensure that by hand delivery a notice is issued directing the advocate to appear before this Court on the next date, failing which, this Court would pass such orders as are permissible in law to cause the appearance.

5 Stand over to Friday, 19th July, 2019. To be listed on the Supplementary Board.”

2. Today we are told that Mr.Reddy was indeed served with the copy of the petition.

3. We do not think that the Slum Rehabilitation Authority (SRA) would be justified in not appearing in this Court when notice is duly served on the SRA by the advocates representing the petitioners or parties. Ordinarily, an advocate would not serve a private notice unless he is moving a case or has been allowed to move a case before this Court. We do not think that when the Government Pleader’s office, which ordinarily appears even on private notice before this Court and deposes a Assistant Government Pleader to attend the Court, can the SRA insist on a special treatment. We would not countenance any such stand as is now taken before us simply because the advocate for the petitioners says that when he moved this petition on 22nd April, 2019, prior thereto, a private notice was indeed served on the SRA and they have the acknowledgment from the SRA, acknowledging receipt of the petition/notice.

4. In any event, it is stated that the Grievance Redressal Committee has been set up and presently, it is seized of the appeals.

5. It is clear that this Committee should take up the matters in the order in which they are filed. The Committee should not expect the people to rush to this Court and thereafter only take up those matters, which are directed to be decided expeditiously or out of turn. This Court had, on previous occasions, insisted on complete transparency even in the working of this Committee. They must display on their website, the pendency of cases with all details. They should take up cases seriatim on the dates assigned.

6. Merely because this Apex Grievance Redressal Committee comprises of Additional Chief Secretary (Housing) as Chairman, Vice President and Chief Executive Officer of MHADA as Member, Chief Executive Officer, SRA, Mumbai as Member together with two additional Municipal Commissioners, one of the Municipal Corporation and other of MHADA and they are invariably busy, as is told to us, does not mean that matters should remain pending. We are informed that this Committee sits only on working Saturdays. It is shocking that thousands of cases are pending and the Committee does not desire to sit more than once in a week.

7. This is the precise reason why the State Government and particularly, the Executive do not want retired Judicial Officers as Chairpersons or Chairmen of such quasi-judicial committees. The retired District Judges or Members of the District Judiciary follow some discipline and pattern and take up cases everyday, even if they assemble for three or four hours. Why this practice cannot be adopted is not clarified to us at all.

8. We would direct parties to appear before the Committee on 3rd August, 2019. On that date, the appeal filed by the petitioners before us shall be listed and disposed of finally with a speaking order. All parties will co-operate in early disposal of the appeal. We direct that the order of 26th April, 2019 shall continue till the appeal is disposed of and the order in appeal is communicated to the parties.

9. A copy of this order should be forwarded to the Chief Secretary of the State so that he takes appropriate corrective steps. In the event, the composition and the constitution of the Committee has to be changed, then, it must be changed so as to include a retired judicial officer of the rank of District Judge therein.

10. The writ petition is disposed of in the above terms.

(SANDEEP K. SHINDE, J.)

(S.C.DHARMADHIKARI, J.)