

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
WRIT PETITION NO.6559 OF 2019**

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|---|---|----------------|
| 1. Vidya Uttam Rathod | } | |
| 2. Sheela Jeena Soni | | |
| 3. Vasudev Bindadin Verma | } | |
| 4. Singh Amarnath Ramdhar | | |
| 5. Hariprasad Dubey | | |
| 6. Ramprasad Dubey | } | .. Petitioners |
| vs | | |
| 1. State of Maharashtra | } | |
| 2. The Addl. Collector (Enc /Removal) | | |
| 3. The CEO, Slum Rehabilitation Authority | | |
| 4. Dy. Collector (SRA) | } | |
| 5. Hub Town Ltd/Thakur Construction | | |
| 6. Chief Promoter, Durgamata Sahakari Griha Sanstha | | |
| 7. Grievance Redressal Committee | } | .. Respondents |

Mr. Suresh M. Sabrad I.b. Mr. Amey C. Sawant for Petitioners
 Mr. S.L. Babar Asst. Govt. Pleader for Respondent nos. 1, 2, 4 & 7
 Mr. Ashish Kamat I.b. Mr. Abhijit Singh for Respondent no. 5
 Mr. Anil R. Mishra for Respondent no. 6

Ms. Vidya Rathod Petitioner no. 1, Mr. Amarnath R. Singh
 Petitioner no. 4, Mr. Hariprasad Dubey Petitioner no. 5 &
 Mr. Ramprasad S. Dubey Petitioner no. 6 present in person

CORAM : S.C.GUPTE, J
DATE : 22 AUGUST, 2019

P.C

1. This Writ Petition challenges orders passed by the Deputy Collector, S.R.A. Western Suburb, Mumbai, Slum Rehabilitation Authority under sections 33/38 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971. ("Act") The dispute concerns a

slum rehabilitation scheme, in which, the impugned orders of eviction were passed by the Competent Authority.

2. During the pendency of the Petition, Consent terms have been arrived at between Petitioner nos.1,4,5 and 6 on one hand, and respondent no.5 on the other. Four sets of Consent terms are accordingly tendered by learned counsel for the parties. Learned counsel for the parties request the Court to dispose of the Petition so far as Petitioner nos.1,4,5 and 6 are concerned. Petitioner nos.1,4,5, and 6 are present in Court and affirm that they have understood contents of the Consent terms. Learned counsel for the parties inform the Court that the Consent terms have been duly explained by their Advocates to Petitioner nos.1,4,5 and 6. Consent terms are taken on record and marked X-1, X-2, X-3 and X-4 and the Petition is disposed of so far as Petitioner nos. 1,4,5 and 6 are concerned in terms of the Consent terms.

3. The Petition now survives only so far as Petitioner nos.2 and 3 are concerned. As regards these Petitioners, their respective Appeals challenging the orders of the Competent authority passed under sections 33 and 38 of the Act have been pending before the Appellate authority. Learned counsel for the Petitioners submits that he may be permitted to withdraw the Petition with liberty to prosecute his clients' remedies before the Appellate authority and all rights and contentions of the parties on merits of the Petition may be kept open. Learned counsel also prays for continuation of the interim relief obtaining in the present Petition for a limited period to enable his clients to approach the Appellate Court.

Learned counsel for Respondent no.5 submits that since the Petition is being disposed of, interim orders may not be continued. Learned counsel submits that he may instead make a statement that he will not take any further steps in pursuance of the impugned orders passed by the authorities under sections 33/38 of the Act till 30.8.2019.

4. In the premises, the Petition is dismissed as withdrawn in so far as Petitioner nos.2 and 3 are concerned with liberty to these Petitioners to prosecute their remedies before the appellate authority. In accordance with the statement made by learned counsel for the respondent no.5, no further steps shall be taken till 30.8.2019. All rights and contentions of the parties on merits of the controversy are kept open. Petitioner nos.2 and 3 herein shall approach the Competent appellate authority on **29.8.2019 at 11 A.M.** The authority, namely, Grievance Redressal Committee, is requested to take up the matters expeditiously as and when petitioner nos.2 and 3 approach it for orders.

5. The merits of the Appeals pending before the Grievance Redressal Committee including reliefs, if any, to be granted during the pendency of the Appeals shall be matters for the Grievance Redressal Committee to decide. It is made clear that this Court has not applied its mind to the controversies or reliefs prayed for by the Petitioners whilst passing this order.

(S.C.GUPTE, J)