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

**APPEAL FROM ORDER NO. 387 OF 2019
WITH
CIVIL APPLICATION NO. 461 OF 2019
IN
APPEAL FROM ORDER NO. 387 OF 2019**

Imran Usman Qureshi ..Appellant/Applicant
vs.
M/s.Rizvi Estates & Hotels Private
Limited & ors. ..Respondents

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Shri Angad Giri for appellant in both Appeals.
Shri Dhrupad Patil a/w. Mahesh Mishra I/b. Ravi Thakkar for
respondent No.1.
Mr. Rishikesh Soni & Raveena Yadav with Aditi Yadav I/b.
Ashok Purohit & Co. for respondent No.3 – SRA.

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CORAM : M.S.KARNIK, J.

DATE : 7th JUNE, 2019

P.C. :

Heard learned Counsel for the appellant.

2. Learned Counsel for the appellant submitted that instead of recording 4 structures in Annexure-II only 2 structures are shown. The appellant claims to be an eligible occupant of

the structure which is subject matter of the suit filed. Learned trial Judge has refused the request for grant of ad-interim relief on the ground that there is a delay in challenging Annexure-II as the Annexure – II is of the year 2006 and the application came to be filed in October, 2017. Further it has been observed that even this Court had directed the Competent Authority to decide the controversy as regards the order dated 5/11/2018 which was passed under Sections 33/38 of the Maharashtra Slum Areas (I.C & R) Act, 1971.

3. Today it is pointed out that in so far as one structure is concerned, the appellant is held eligible by the Deputy Collector (Encroachment/Removal) and Competent Authority. The applicant has been held to be eligible occupant along with his mother Smt. Mehrunisa Usman Qureshi. Learned Counsel for the appellant submits that the Appeal has been preferred against the said order dated 16th January, 2019 before the Appellate Authority i.e. the Additional Collector (Encroachment/Removal) and the same is pending.

4. Having considered the order passed by the trial Court, I am of the opinion that no error is to be found in the said order refusing grant of ad-interim relief in view of the delay on the part of the appellant in approaching the trial Court in as much as Annexure – II which is under challenge is of the year 2006. Moreover, I find that the issue of eligibility is now being agitated before the Competent Authority.

5. In this view of the matter, there is no merit in the Appeal from Order. The same is dismissed with no order as to costs.

6. In view of the disposal of the Appeal, nothing survives for consideration in the Civil Application. The Civil Application is therefore disposed of.

(M.S.KARNIK, J.)