

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION (L) NO.230 OF 2019
ALONG WITH
CHAMBER SUMMONS NO.61 OF 2019**

Lalchand Shabhiprasad Harijan
And Others

... Petitioners

Versus

Slum Rehabilitation Authority
And Others

... Respondents

.....

Dr. Birendra Saraf a/w Mr. Prathamesh Kamat, Mr. Arun Panickar and Mr. Mangesh Sawant I/b Mr. Arun Panickar for the Petitioners.

Mr. Girish Utangale a/w Mr. Chetan Mhatre I/b Utangale & Co. for Respondent Nos.1 and 2.

Mr. Kedar Dighe, AGP for Respondent Nos.3 to 5.

Dr. Milind Sathe, Senior Advocate a/w Mr. S.G. Surana I/b Mr. M. S. Surana for Respondent Nos., 6, 9 and 10.

Mr. Bhushan Deshmukh I/b Mr. Dipesh Siroya for Respondent No.7.

Dr. Veerendra Tulzapurkar, Senior Advocate I/b Mr. Mandar Soman for the Applicant in Chamber Summons No.61 of 2019.

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CORAM : S.C. GUPTE, J.

DATE : 10 APRIL 2019

P. C. :

. Heard learned Counsel for the respective parties.

2 This writ petition challenges an order passed by the Apex Grievance Redressal Committee (AGRC) in a matter of Slum Rehabilitation Scheme.

3 The impugned order indicates that the AGRC, which heard the appeal has either not applied its mind to most of the vital aspects of the

matter or applied its mind wrongly to these aspects. After the matter has been heard by this Court, at the stage of the admission, it is agreed between the Petitioners and Respondent Nos.1 to 20 that the impugned order may be set aside by consent and the Petitioners' appeal may be heard and decided afresh in accordance with law and till then, no steps shall be taken for development of the plot occupied by Respondent No.7-society in pursuance of the impugned Letter of Intent (LoI). It is ordered accordingly. It is made clear that AGRC will have to deal with the objections of the Appellants/Petitioners, which are stated in an extensive manner in their appeal, and their written submissions to be filed by them and deal with them in its order to be passed on remand. The application of its mind to these matters must be reflected in its final order passed in the appeal. It is clarified that though no steps may be taken for development of the plot, as noted above, the exercise of determining the eligibility of slum dwellers, who are part of the scheme, shall continue to be undertaken.

4 The Petitioners shall be entitled to implead such respondents to their appeal including the Intervenor herein as they may choose to. The case of such respondents, including the intervenors herein, however, shall be considered on its own merits. AGRC shall decide the appeal within four months from the communication of this order. The parties may appear before the Secretary of SRA/AGRC on **16 April 2019** at 11.00 a.m. when the schedule of hearings may be fixed.

5 The writ petition is accordingly disposed in the above terms.

6 In view of the disposal of the petition, all miscellaneous applications including Chamber Summons Nos.61 of 2019 are disposed of.

(S.C. GUPTE, J.)