

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

WRIT PETITION LOD.NO.275 OF 2019

Ravishankar Tiwari and Ors. .. Petitioners
Versus
The State of Maharashtra & Ors. .. Respondents

Mr. Amogh Singh i/b. Jeet Gandhi for petitioners
Mr. A.L.Patki, Additional G.P. for respondent Nos. 6 and 7

CORAM : G.S.KULKARNI, J.

DATE : 29th January 2019.

P.C.

Heard learned Counsel for the petitioners. He states that the notice of this petition is already issued by the advocate for petitioners to all the respondents and affidavit of service to that effect would be filed during the course of the day.

2] The limited grievance of the petitioners is that the Deputy Collector (Encroachment and Eviction), Slum Rehabilitation Authority has passed an order dated 17th and 18th January 2019 under section 33/38 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (for short "the Slums

Act”), whereby the said authority has directed the petitioners to vacate the premises within 10 days from the receipt of said order. It is submitted that the period of 10 days would expire today.

3] Learned Counsel for the petitioners submits that against the said order passed by the Deputy Collector, the petitioner has approached the Apex Grievance Redressal Committee (for short “the Apex Committee”) by filing the appeal along with stay application, which was lodged on 24th January 2019. However, as the Registrar of the Apex Committee was not available, the appeal has so far not been numbered. Attention of this Court is invited to page 420 of the paper book which indicates that the appeal is received by the Apex committee.

4] Learned Counsel for the petitioners submits that the Apex Committee does not assemble every day for hearing of the appeal or stay applications, it is thus, difficult for the petitioners to immediately obtain any orders from the Apex Committee, either on the appeal or on the stay application. The limited request of petitioners, therefore, is that till the stay application and or appeal of

the petitioners is heard, the impugned orders dated 17th and 18th January 2019 passed by the Deputy Collector (Encroachment and Eviction) S.R.A. are not acted upon.

5] Despite notice, the respondents have not appeared. Considering the limited grievance of the petitioners, it would be in the interest of justice that the Apex Committee takes up the stay application as filed by the petitioner for hearing and passes an order on the same, after hearing all parties, till then the petitioners need to be protected.

6] Petition is accordingly disposed of by the following order:-

ORDER

(a) The impugned orders dated 17th and 18th January 2019 passed by Deputy Collector (Encroachment and Eviction), S.R.A. under sections 33/38 of the Slum Act shall not be acted upon till the stay application of the petitioners is heard by the Apex Grievance Redressal Committee and an order on the stay

application is passed and communicated to the petitioners;

(b) In case the orders passed on the stay application by the Apex Grievance Redressal Committee are adverse to the petitioner, the impugned orders dated 17th and 18th January 2019 passed by the Deputy Collector (Encroachment and Eviction), S.R.A. shall not be acted upon for a period of two weeks from the date of communication of the orders passed by the Apex Grievance Redressal Committee to the petitioners.

(c) All contentions of parties on merits of the matter are expressly kept open.

(d) Petition disposed of accordingly. No orders as to costs.

(G.S.KULKARNI, J.)