

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

WRIT PETITION (L) NO.1112 OF 2019

Shaikh Umar Ahmed

And Others

... Petitioners

Versus

The State of Maharashtra

And Others

... Respondents

.....

Mr. Arun Panickar a/w Mr. Mangesh Sawant for the Petitioners.

Mr. Manish Upadhye, AGP for Respondent No.1.

Mr. Anoop Patil for Respondent No.2-SRA.

Ms. Sheetal Metakari for Respondent Nos.3 and 6-MCM.

Mr. G.S. Godbole i/b Mr. Yogendra M. Kandhan for Respondent Nos.4 and 5.

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CORAM : S.C. GUPTE, J.

DATE : 5 APRIL 2019

P. C. :

. After the matter is heard at some length, it is agreed between learned Counsel for the parties that the writ petition can be disposed of by extending the ad-interim protection in favour of the Petitioners as regards the impugned order dated 27 March 2019 for a period of two weeks from today, to enable the Petitioners to approach the appellate authority, namely, Additional Collector, Mumbai City under Section 35 of Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act 1971 ("Slum Act"). It is ordered accordingly. All rights and contentions of the parties on merits are kept open, to be agitated before the Additional Collector. It is agreed between the parties that the Additional

Collector has jurisdiction to hear the appeal from the orders passed by the Assistant Municipal Commissioner and Competent Authority, G South Ward of Municipal Corporation of Greater Mumbai ("MCGM"). Both the parties shall appear before the Additional Collector or any Authority holding his charge for the time being for hearing an appeal under Section 35 of the Slum Act, on **9 April 2019** at 11.00 a.m. and present an authenticated copy of this order, when the schedule of hearings can be fixed.

2 The writ petition is disposed of accordingly.

(S.C. GUPTE, J.)