

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

WRIT PETITION NO. 2077 OF 2018

Nitin Hargovind Vishngara

.. Petitioner

v/s.

The State of Maharashtra & Ors.

.. Respondents

Mr. A.A. Siddiquie I/b A.A. Siddiquie and Associates for the petitioner
Mr. Milind More, AGP for the respondent no.1 State
Mr. Vaibhav V. Ugle for the respondent no.3

**CORAM : A.S. OKA &
M.S. SANKLECHA, J.J.**

DATED : 2nd APRIL, 2019

P.C.

1. Perused the additional affidavit filed by the petitioner. It appears that he has filed Appeal No. 466 of 2011 a copy of which is annexed to the additional affidavit as Exhibit-E before the Slum Rehabilitation Authority. According to the case of the petitioner, the said appeal is filed by invoking Section 35 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (for short "said Act of 1971"). When the appeal was preferred, the Appellate Authority was a person holding a post not below the rank of Additional Collector to be notified by the State Government. The appeal was not maintainable before the Slum Rehabilitation Authority. Therefore, a

writ of mandamus cannot be issued directing the said Authority to decide the appeal.

2. Accordingly, we dispose of the petition by passing the following order :-

ORDER

(a) It will be open for the petitioner to apply to Slum Rehabilitation Authority for transfer of Appeal No.466 of 2011 to the appropriate Appellate Authority having power to decide the appeal under Section 35 of the said Act of 1971;

(b) If such an application is made, the Slum Rehabilitation Authority shall decide the same within a period of one month from the date of filing of the application;

(c) The petition is disposed of in the above terms.

(M.S. SANKLECHA, J.)

(A. S. OKA, J.)