

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

WRIT PETITION NO.2960 OF 2017
WITH
CHAMBER SUMMONS NO. 142 OF 2018
IN
WRIT PETITION NO.2960 OF 2017

Umesh B. Yadav & Another .. Petitioners.
v/s.
The Slum Rehabilitation Authority & Another .. Respondents.

Mr. Manoj Kumar Upadhyay, for the Petitioners.
Mr. Kunal Chheda i/b. Mr. Rajesh Mishra, for the Applicant.
Mr. Girish Utangale and Mr. Chetan Mhatre i/b. Utangale & Co., for
Respondent No.1.

**CORAM: A.S.OKA &
M.S.SANKLECHA, JJ.**
DATE : 26th MARCH, 2019.

P.C:-

The challenge in this Petition under Article 226 of the Constitution of India, is only to show cause notice under Section 3 C (1) of the Maharashtra Slum Area (Improvement Clearance and Redevelopment) Act, 1971 (for short ' the said Act of 1971). The Petitioners have replied to the said show cause notice. The learned Counsel appearing for the 1st Respondent states that till today, a declaration/ notification under Sub-Section 1 of Section 4 of the said Act of 1971 has not been issued. He states that even a notification under Section 3C(1) of Act of 1971 has not been issued. We accept the statements.

2 As the challenge is to the show cause notice, we need not entertain this Petition under Article 226 of the Constitution of India. However, we find that though the Petitioners were called for personal hearing by issuing a notice, the Petitioners did not appear before the concerned Authority. We, therefore, propose to direct the concerned Authority to give one more opportunity of personal hearing before the final decision is taken on the show cause notice.

3 Hence, we pass the following order:-

- (i) We decline to entertain the challenge to the impugned show cause notice (Exh.L);
- (ii) All contentions raised by the Petitioners are kept open;
- (iii) We direct the Respondents to ensure that an opportunity of being heard is granted to the Petitioners before any final decision is taken on the basis of impugned show cause notice;
- (iv) The **petition disposed of.**

4 At this stage, the learned Counsel appearing for the Petitioner prays for continuation of ad-interim order. For the reasons recorded above, the prayer is rejected. In view of disposal of the Petition, the pending Chamber Summons does not survive and the same is also dismissed.

(M.S.SANKLECHA,J.)

(A.S.OKA,J.)