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

WRIT PETITION (LODGING) NO.4207 OF 2018

Abdulrab Hidayat Rasool Ansari and Anr.	...Petitioners
Versus	
The State of Maharashtra and Ors.	...Respondents

***WITH
NOTICE OF MOTION (LODGING) NO.26 OF 2019
IN
WRIT PETITION (LODGING) NO.4207 OF 2018***

Iqbal Dosani and Anr.	...Applicants
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IN THE MATTER BETWEEN

Abdulrab Hidayat Rasool Ansari and Anr.	...Petitioners
Versus	
The State of Maharashtra and Ors.	...Respondents

***WITH
CHAMBER SUMMONS (LODGING) NO.29 OF 2019
IN
WRIT PETITION (LODGING) NO.4207 OF 2018***

M/s.Chandiwala Enterprises	...Applicant
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IN THE MATTER BETWEEN

Abdulrab Hidayat Rasool Ansari and Anr.	...Petitioners
Versus	
The State of Maharashtra and Ors.	...Respondents

Mr.Arun Panickar, for the Petitioners.

Mr.A.L.Patki, Additional G.P. for the Respondent Nos.1 and 2.

Mr.Ashok Purohit a/w Mr.Rishikesh Soni and Ms.Raveena Soni i/b Ashok Purohit and Co., for the Respondent Nos.3 and 4.

Mr.Chirag Balsara a/w Mr.Udit Shah, for the Applicant in Chamber Summons (Lodging) No.29 of 2019.

Mr.Sagar P. Batavia a/w Ms.Ujjwala S., for the Applicants in Notice of Motion (Lodging) No.26 of 2019.

***CORAM : B.P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.***

DATE : 18th JANUARY, 2019

P.C. :

1. The Respondent No.3 – S.R.A on 25th July, 2018, has issued a direction to conduct a survey and to finalize Annexure – 2. Accordingly, further communications were issued and Competent Authority was to undertake that exercise on 5th October, 2018. But on 4th October, 2018, the Committee has cancelled the verification to be undertaken on 5th October, 2018, because of the Appeal pending before the Apex Grievance Redressal Authority.

2. The contention of Petitioners is that the issue arises in 2009 and period of about 10 years is already over. There is no stay given by the Appellate Authority and hence further delay will result in serious prejudice to them. Learned Counsel for the Petitioners contends that the alleged hutmen dwellers, who are in Appeal, are in no way concerned with this scheme.

3. Respective counsel appearing for the Respondents, as also proposed interveners opposed the contention.

4. They pointed out that the Grievance Redressal Committee has in an Appeal found that earlier order passed by the Additional Collector was without jurisdiction and therefore, has set it aside. The matter therefore is now in Appeal before the proper forum viz. Apex Grievance Redressal Authority.

5. After hearing respective counsel, we find that the exercise to be initiated is already questioned before the Appellate Authority and as the very basis thereof is in dispute, the Competent Authority has found it not

proper to proceed with the verification. This, consideration of controversy by the Competent Authority cannot be said to be without jurisdiction or perverse.

6. The Apex Grievance Redressal Authority is not joined as Party-Respondent. It is not in dispute that the Grievance Redressal Committee has passed its order during the pendency of the present challenge on 20th December, 2018. Because of that order, Appeal has gone to Apex Grievance Redressal Authority.

7. In this situation, we hope that the Appellate Authority i.e. Apex Grievance Redressal Authority shall attempt to decide the Appeal pending before it, at the earliest and keeping all contentions open, we dispose of the present Petition. Consequently, pending Notice of Motion and Chamber Summons do not survive and the same are also disposed of.

REVATI MOHITE DERE, J.

B.P. DHARMADHIKARI, J.