

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 3242/2019

Shri Mukund @ Balasaheb S/o. Bhikuji Pannase,
The President, Ganesh Gruh Nirman Sahakari Sanstha
Maryadit, Office at : Plot No. 4, Rakesh Bhawan, Mukund
Nagar, Nagpur 44022

.... **PETITIONER**

// **VERSUS** //

- 1] Nagpur Municipal Corporation,
Through the competent Authority &
Executive Engineer (Slum), 1st Floor,
Civil Lines, Nagpur
- 2] Maharashtra Slum Area (I.C. & R),
Tribunal, Through its President,
Office at : MAHADA Building,
Ground Floor, Bandra,
Mumbai 400051

.... **RESPONDENT(S)**

Shri S.T. Dhurvey, Advocate for the petitioner
Ms. S. Jachak, Advocate for the respondent no. 1

CORAM : Z.A.HAQ, J.
DATED : 12/07/2019

ORAL JUDGMENT :

- 1] Heard.
- 2] **RULE.** Rule made returnable forthwith.

3] The appeal filed by the petitioner under Section 4 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 is dismissed by the respondent no. 2 – Tribunal for want of prosecution. Though there has been default on the part of the petitioner in attending the proceedings before the Tribunal and it cannot be said that the Tribunal has committed any error of jurisdiction by dismissing the appeal for want of prosecution, considering the facts of the case, in my view, the interests of justice would be sub-served by passing the following order: -

ORDER

- a) The impugned order is set aside.
- b) Appeal No. 05/2014 filed by the petitioner before the respondent no. 2 – Tribunal is restored.
- c) The Tribunal shall decide the appeal on merits within four months from today.
- d) The petitioner and the representative of the respondent no. 1 shall appear before the respondent no. 2 – Tribunal on 19/08/2019 at 11:00 am.

The petitioner shall produce copy of this order before the Tribunal on the date of appearance.

The amount of Rs. 10,000/- deposited by the petitioner with the Registry of this Court be given to the respondent no. 1 towards costs.

Rule is made absolute in the above terms.

JUDGE

Ansari