

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5806 OF 2021**

Suvarnadeep SRA CHS (Proposed) & Anr ...Petitioners
Versus
State of Maharashtra & Ors ...Respondents

Mr Mayur Khandeparkar, *with Dhawani Bokaria, i/b M/s
Purnanand & Co, for the Petitioner.*

Mr RP Kadam, *for the State.*

Mr Amol B Jagtap, *i/b Abhijeet Desai, for Respondent No.2-AGRC.*

Mr Joel Carlos, *with Om Suryavanshi, for Respondent No.3-MCGM.*

Mr Jagdish G Aradwad (Reddy), *for Respondent No.4-SRA.*

Mr Mulani Sikandar, *Colony Officer, M/W Ward.*

**CORAM: G.S. Patel &
Madhav J. Jamdar, JJ.**

DATED: 15th November 2021

PC:-

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1. Rule. By consent, rule returnable forthwith. Respondents waive service. By consent, taken up immediately for hearing and final disposal.
2. Affidavits in Reply are taken on record.
3. The Petition can be disposed of with a very short order in terms of prayer clause (b) of the Petition which reads thus:

“(b) That this Hon’ble Court be pleased to issue a Writ of Mandamus or any other appropriate Writ, Direction or Order in the nature of a Writ of Mandamus directing Respondent No. 3 or its servants, agents and subordinates, to forthwith issue Certified Annexure-II for the Petitioner No.1 as well as for Respondent No.5 in accordance with the prevailing policy.”

4. It seems that only on account of certain “RTI Activists”, filing criminal complaints against various officers or various statutory authorities and developers, the entire slum rehabilitation project has been derailed. Before it can commence, there needs to be a certified list in form Annexure-II of those eligible for the rehabilitation. This process has been compromised by the filing of these criminal complaints. It has led to the Apex Grievance Redressal Committee passing an order on 2nd July 2021 simply adjourning the application before it on the ground that there are some criminal complaints pending in this Court.

5. We are of the considered view that the pendency of criminal complaints or criminal petitions does not, without an express order of stay, prevent the Authority from continuing to perform its statutory functions. In this particular case, this would involve the MCGM continuing with the process of certifying eligible slum dwellers/occupants in form Annexure-II.

6. The MCGM is directed to take up this exercise and complete it within six weeks from today.

7. The Petition is made absolute in these terms. There will be no order as to costs.
8. Previous order, if any, to continue until next date.
9. All concerned will act on production of a digitally signed copy of this order.

(Madhav J. Jamdar, J.)

(G. S. Patel, J)