

Prajakta Vartak

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7927 OF 2021

Hiren Hasmukhbhai Balsara & Ors.

...Petitioners

V/s.

The Slum Rehabilitation Authority & Ors.

...Respondents

Ms. Archana Gaikwad for Petitioners.

Mr. Yogesh Patil i/b. Mr. Vijay Patil for Respondent No.2/AGRC.

Mr. A. S. Marathe for Respondent No.3.

Mr. Dattatray Adarkar for Respondent No.4.

CORAM : G. S. KULKARNI, J.

DATE : DECEMBER 13, 2021

PC :

1. Not on board. Taken on board on a praecipe being moved on behalf of the petitioners.

2. After hearing of this petition progressed for some time, learned counsel for the petitioners fairly states that already the petitioners have approached to the AGRC assailing the order dated 11 November, 2021 passed by the Tahasildar under Sections 33, 38 of the Maharashtra Slum Areas (Improvement, Clearance And Redevelopment) Act, 1971. She submits that her clients would file an interim application within three days from today and serve a copy of the same on the developers as also the SRA.

3. In the above circumstances, in my opinion, this petition would not require any further adjudication, suffice it to observe that the petitioners pursue the remedy as available to them before the AGRC. If such interim

application is filed by the petitioners, in that event the petitioners are at liberty to move the AGRC for early hearing of such application. Let such application be decided as expeditiously as possible and in any event, within a period of four weeks from today and in the first possible meeting which is to be held by the AGRC.

4. To enable the petitioners to move the AGRC in the manner as observed above, let no coercive action be taken against the structure of the petitioners till the AGRC passes appropriate interim orders on the interim application of the petitioners. All contentions of the parties in that regard are expressly kept open.

5. Needless to observe that if the petitioners do not file such interim application as observed above, the respondents are free to take appropriate action as may be permissible in law.

6. Disposed of. No costs.

(G. S. KULKARNI, J.)

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