

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 921 OF 2022
IN
WRIT PETITION NO. 1892 OF 2022**

Ayaz Khan & Anr		...Applicants
<i>In the matter between</i>		
Mohan Balu Baikar & Ors		...Petitioners
<i>Versus</i>		
Slum Rehabilitation Authority & Ors		...Respondents

Dr Birendra Saraf, Senior Advocate, with Kushal K & Abhijit Patil,
for the Applicants.

Mr Anoshak Daver, with Sanjana Badsawal, i/b Legal Pyramids, for
the Petitioners.

Mr Jagdish G Aradwad (Reddy), for Respondents Nos. 1, 4 and 5.

Mr PG Sawant, AGP, for the State/Respondent No.3.

Mr Kamlesh Ghumre, with Sonali Jadhav, for the MHADA.

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

DATED: 28th February 2022

PC:-

1. There is a contest between two societies. The Petitioners' proposed society is the Sai Darshan SRA Cooperative Housing Society. The Intervenors are the Chief Promoter of the Jan Bhoomi

Cooperative Housing Society Limited, also a proposed society, and its appointed developer M/s Aftab Constructions.

2. There appear to be issues of overlap between the SR Schemes in respect of the two proposed societies.

3. It is not necessary or even appropriate for this Court to go into that controversy. There may be seriously disputed questions of fact as well.

4. We will allow the Petitioners to make a representation to the Deputy Chief Engineer, SRA, canvassing not only the points raised in the Writ Petition but any other aspects as well regarding the Petitioners' SR Scheme. The Intervenors will be made Respondents or non-Applicants to this representation.

5. The Petitioners' representation must be filed with the Deputy Chief Engineer, SRA by 14th March 2022. We will permit the Intervenors to file a response by 28th March 2022. Other than written submissions that the Deputy Chief Engineer may call for at his discretion, there are to be no further filings before the Deputy Chief Engineer. We request him to decide the representations, including but not limited to the issue of overlapping, at the earliest possible and preferably before 6th June 2022.

6. The Petition and the IA are disposed of in these terms.

7. All contentions are expressly left open.

8. We have expressed no opinion on the merits of the controversy that are before us.

9. All concerned will act on production of a digitally signed copy of this order.

(Madhav J. Jamdar, J)

(G. S. Patel, J)