

Dusane

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

WRIT PETITION NO.9637 OF 2022

Vimal Chandrakant Shah & Anr. ... Petitioners

Versus

Tahsildar 1 (Special Desk) SRA ... Respondents
& Ors.

Mr. Vinayak V. Kathi a/w Mr. Viraj V. Kadam for Petitioner.
Ms. Dhruvi Kapadia for Respondent No.1 (Tahsildar).
Mr. Anuj Narula i/by Mr. Mohit Sant for Respondent Nos. 2 and 3.

**CORAM : S.V. GANGAPURWALA &
MADHAV J. JAMDAR, JJ.**

DATED : 10TH AUGUST 2022

P.C. :

1. The Petitioners contend that the matter is before the AGRC but the AGRC is not conducting the sitting. The Petitioner seeks stay of the notice seeking eviction of the Petitioners.
2. According to the Respondent-developer, the developer is ready to register the usual agreement with slum dwellers within one week and is also ready to pay Rs.14,000/- per month as a rent in advance for 11 months, as per Society AGM Resolution.

3. In the present matter, we are not going to decide the dispute. The Petitioners are the encroachers. The Petitioners also shall not be an impediment in the development project.

4. However, considering that the matter is pending with the AGRC and the AGRC has not conducted the sitting, we would pass an equitable order. The status-quo shall be maintained qua the Petitioners' possession till the first date of hearing with the AGRC.

5. It is made clear that this protection shall come to end after the 1st date of hearing by the AGRC.

6. Writ Petition is disposed of. No costs.

(MADHAV J. JAMDAR, J.)

(S.V. GANGAPURWALA, J.)

BHALCHANDRA
GOPAL
DUSANE

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