

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

**WRIT PETITION NO. 1651 OF 2022
WITH
INTERIM APPLICATION NO. 12783 OF 2023**

SANTOSH
SUBHASH
KULKARNI

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Date: 2023.07.06
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Harel Joseph Sutari and ors. ...Petitioners

Versus

The State of Maharashtra Housing Dept.
and ors. ...Respondents

Mr. Surel Shah, i/b Jayesh Mestry, for the Petitioners.
Mr. Mukesh Vashi, Senior Advocate, a/w P. B. Gujar, i/b
Shabana Sathe, for Respondent No.4.
Mr. Vijay Patil, for Respondent No.5/SRA.
Mr. R. Y. Sirsikar, for Respondent No.2/BMC.
Mr. C. M. Mali, AGP for the State/Respondent.
Mr. Jagdish Aradwad (Reddy) for Respondent No.7/AGRC.

CORAM: N. J. JAMADAR, J.

DATED : 3rd JULY, 2023

PC:-

1. Heard the learned Counsel for the parties.
2. Mr. Shah seeks leave to tender affidavit-in-rejoinder.

Leave granted.

Affidavit-in-rejoinder is taken on record.

3. Mr. Shah, the learned Counsel for the petitioners, in view of the affidavit-in-reply filed on behalf of respondent No.4, especially the order dated 15th February, 2023 (Exhibit-M to the said affidavit-in-reply) whereby the Slum Rehabilitation Scheme

has been sanctioned, seeks leave to withdraw the petition with liberty to assail the orders before the Apex Grievances Redressal Committee ("AGRC").

4. Mr. Shah prays for continuation of the order of *status quo* for the period of two weeks to facilitate the petitioners to remove the AGRC and seek appropriate reliefs.

5. Mr. Vashi, the learned Senior Advocate for respondent No.4, opposes the prayer for continuation of the *status quo* as, according to Mr. Vashi, the petitioners were fully aware of the SRA scheme being approved.

6. All these issues can be legitimately agitated before the AGRC.

7. Hence, the petitioners are granted leave to withdraw the petition with liberty to assail the orders before the AGRC. To facilitate the petitioners to approach the AGRC and seek appropriate orders, the order dated 20th April, 2023 directing the parties to maintain *status quo* shall continue to operate for a period of two weeks from today.

8. It is hereby made clear this Court has not entered into the merits of the matter and the AGRC shall decide the proceedings which may be filed by the petitioners on their own merits and in accordance with law without being influenced by

the any of the observations made in the orders passed by this Court.

9. Petition stands disposed as withdrawn.

10. In view of disposal of the petition, interim application does not survive and stands disposed.

[N. J. JAMADAR, J.]