

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6009 OF 2023**

Devendra Gopinath Pardeshi and Ors.Petitioners

Vs.

Slum Rehabilitation Authority and Ors.Respondents

Mr. Sanjeev B. Deore a/w. Ms. Suchita J. Pawar for petitioners.

Mr. Jagdish G. Aradwad (Reddy) for respondent nos.1 to 3.

Mr. Navroz Seervai, Senior Advocate a/w. Mr. Cyrus Bharucha and Mr. R.P. Ojha for respondent no.4.

Mr. K.S. Thorat, AGP for State.

**CORAM : K. R. SHRIRAM &
RAJESH S. PATIL, JJ.**

DATED : 4th MAY 2023

P.C. :

1 Petitioners have rushed to the Court in view of a notice dated 13th April 2023 issued by respondent no.3 under Section 33 and Section 38 of the Slum Rehabilitation Act. Mr. Deore states that the survey has not been conducted on petitioners eligibility and until that is concluded, petitioners should not be evicted. We are not inclined to interfere.

2 In paragraph 5 of the petition, it is stated that survey of the plot has been carried out and in the report, it is recorded that 90 out of 272 are declared as eligible persons and 180 slum dwellers are shown as refused for survey. The survey report/list is annexed to the petition, which is dated 13th January 2021.

3 Mr. Deore states that was received by petitioners some time ago. We would have expected petitioners to rush to the authorities and clarify if they had not refused and sought an explanation as to how they have been noted as persons who have refused to participate in the survey.

4 In any event, petitioners may approach respondent no.2, the Competent Authority, with all documents in their possession to show their bonafides and satisfy respondent no.2 that they are eligible persons.

5 Mr. Deore states that petitioners will apply to respondent no.2 within one week from today.

Respondent no.2 shall consider the application and dispose the same with a reasoned order within four weeks of the applications being filed.

6 Mr. Seervai for respondent no.4 states that respondent no.4 is ready and willing to pay petitioners six months advance alternate accommodation rent/compensation even though as on date petitioners are not shown as eligible persons. Mr. Deore rejected that offer.

7 Mr. Deore states that against the order of eviction dated 31st March 2023, an appeal was preferred before the Apex Grievance Redressal Committee (AGRC). Mr. Reddy states that AGRC has considered the appeal and has reserved the matter for orders on 21st April 2023.

8 In the circumstances, petition disposed with no order as to costs.

9 We clarify that we have not made any observation on petitioners eligibility and the same will be considered independently on merits.

(RAJESH S. PATIL, J.)

(K. R. SHRIRAM, J.)