

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

INTERIM APPLICATION NO.4381 OF 2023

IN

WRIT PETITION NO.9308 OF 2022

Rajmma Vardharaj Devendra & Ors.

...Applicants/
Original Petitioners

v/s.

Tahsildar – 1(Special Cell)

Slum Rehabilitation Authority & Ors.

...Respondents

...

Ms. Archana P. Gaikwad for the applicants/petitioners.

Ms. R. A. Salunkhe, AGP, for respondent no.1.

Mr. Ashok Pandire for respondent no.4.

Mr. Sidharth Samantray i/b. Dinesh Shinde for respondent no.5.

...

**CORAM : AMIT BORKAR AND
KAMAL KHATA, JJ.
(VACATION COURT)**

DATED : 9TH MAY 2023.

P.C. :

1. The applicants have filed application seeking direction to respondent no.3 to conduct the hearing of Appeal no.210 of 2022 and a further direction to the developer and respondent no.4 to stop the

demolition of transit structure.

2. This Court by order dated 1st August 2022 had disposed of the petition. The present application is based on a fresh cause of action. Such a course has been deprecated by the Apex Court in the case of *State of Uttar Pradesh v/s. Brahma Datt Sharma & Anr*¹. The Apex Court has held that Misc. Application based on cause of action accrued after disposal of the petition need not be entertained by the High Court.

3. In that view of the matter, the Interim Application is not maintainable. However, the petitioner will be at liberty to adopt such remedies as are permissible by law.

4. Petition stands disposed of.

(KAMAL KHATA, J.)

(AMIT BORKAR, J.)

1 (1987) 2 SCC 179