

Arjun

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

WRIT PETITION NO.13660 OF 2023

Bhima Apparao Gaikwad ...Petitioners
Son and Legal Heir of Late
Sushila Apparao Gaikwad & Ors.

V/s.

Tehsildar - 1 [Special Desk] ...Respondents
Slum Rehabilitation Authority & Ors.

Mr. Vivek Shukla a/w Bushra Sayed i/b Pragya Mishra, for the Petitioners.

Jagdish G. Aradwad (Reddy), for the Respondent Nos.1 & 2-SRA.

Mr. Chirag Modi a/w Mr. Samit Shukla & Saloni Shah i/b DSK Legal, for Respondent No.3.

Mr. Girish Godbole, Senior Counsel i/b Jain Law, for Respondent No.4.

Mr. Santosh Parad, for the Respondent-MCGM.

Mr. Milind More, for Respondent No.7-AGRC.

**CORAM : MADHAV J. JAMDAR, J.
DATED : NOVEMBER 01, 2023**

P.C.:

1. The Petitioners in this Writ Petition are challenging the order dated 13th October 2023 passed by the Tahsildar-1 [Special Desk]-Slum Rehabilitation Authority.

2. By the said order, an eviction order has been passed against the Petitioners and they have been directed to vacate the

premises within a period of ten days.

3. Learned counsel appearing for the Petitioners states that an Appeal is filed before the Apex Grievance Redressal Committee (“AGRC”).

4. The prayer clause A-1 in the Writ Petition is as follows :

"**A-1]** In the alternative of Prayer Clause (**A**), this Hon'ble Court may be pleased to grant temporary prohibition injunction to impugned Order bearing Outward No. TEH-1 Sp. Desk/33-38/23/Kavi-45671 dated 13.10.2023 passed by Tehsildar - 1 [Special Desk] - W.S. - S.R.A. claiming powers u/s. 35, 38 of the Slum Act, 1971 against the Petitioners till final adjudication of Slum Appeal filed before Apex Grievance Redressal Committee on merits."

5. The Petitioners have sought very limited prayer that the impugned order be not implemented till the Appeal is listed and heard by the AGRC.

6. Learned counsel appearing for Respondent No. 7-AGRC states that, a meeting of AGRC is scheduled on 3rd November 2023 and if the Application is moved by 2nd November 2023, then the Appeal filed by the Petitioners will be taken up for final hearing on that day or as early as possible.

7. Accordingly, the Writ Petition is disposed of in the following terms :

- (i) The AGRC is requested to dispose of the Appeal challenging the legality and validity of the order dated 13th October 2023 within a period of 30 days from

today.

(ii) Till the Appeal is decided, the impugned order of eviction dated 13th October 2023 shall not be executed.

(iii) The Writ Petition is disposed of in above terms with no order as to costs.

8. It is clarified that, this Court has not considered the merits of the case and all the contentions on merits are expressly kept open.

[MADHAV J. JAMDAR, J.]