

Gaikwad RD

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1188 OF 2023**

Mohd. Shakir Ansari s/o Mohd. Zama Ansari & ...Petitioners
Ors

Versus

Slum Rehabilitation Authority & Ors ...Respondents

**Mr SR Ganbavale, with Shubham Kanade & Krish M. Lahankar, for
the Petitioners.**

Mrs PH Kantharia, for Respondent No.1/SRA.

Mr Prashant A Nakati, for Respondent No.2.

**CORAM G.S. Patel &
 Dr Neela Gokhale, JJ.**

DATED: 31st January 2023

PC:-

1. After some arguments, Mr Ganbavale for the Petitioners states that he be given liberty to canvass the aspect of the Petitioners' eligibility before the Apex Grievance Redressal Committee.

2. The request is reasonable. The Petitioners are entitled to raise the question of their eligibility in the slum scheme for which there was an acquisition of the land in question under Section 14 of the Maharashtra Slum Areas (Improvement, Clearance and

Redevelopment) Act, 1971 before the AGRC. All contentions in that regard are kept open.

3. This is enough to dispose of the Petition. We have said nothing in regard to the merits of the Petitioners' claim for the eligibility.

4. Mr Ganbavale fairly states that there is no challenge to the acquisition itself.

5. The Petition is disposed of. There will be no orders as to costs.

6. At this stage an application is made for an extension of time to vacate.

7. The Petitioners were given notice on 27th January 2023 that they would have to vacate by 1st February 2023. The order challenged in the Petition is of 13th December 2022. The Petition was filed on 21st December 2022. There has been no ad-interim relief protecting the Petitioners. The Petitioners knew from the date of the order of 13th December 2022 that an eviction or a demolition was inevitable. What the Petitioners do not realize is that delaying a slum rehabilitation project does not just affect the developer — and that might well be an entirely secondary concern — but has a direct impact on other eligible slum dwellers whose concerns of transit rent and rehabilitation are adversely affected by such delay.

8. We are not inclined to stay the demolition.

(Dr Neela Gokhale, J)

(G. S. Patel, J)

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