

VRJ

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

WRIT PETITION NO.264 OF 2024

Digitally
signed by
VAIBHAV
KAMDESH
JADHAV
Date: 02.02.2024
18:26:52
+05'30'

Naaz Asif Shaikh & Ors.

... Petitioners

V/s.

The Apex Grievance Redressal
Committee & Ors.

... Respondents

Mr. Angad Giri with Mr. Sagar Batavia for the
petitioners.

Ms. Aparna D. Vhatkar for respondent No1.

Mr. Jagdish G. Aradwad (Reddy) with Ms. Ashwini
Jadhav for respondent Nos.2 to 5.

Ms. V.S. Nimbalkar, AGP for the State/respondent No.6.

Mr. Ajaz Ahmed Ansari for the applicants/interveners.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 7, 2024

P.C.:

- 1. Rule.** Rule is made returnable forthwith.
- 2.** The petitioners are challenging orders passed by respondent No.1-Committee on 29th August 2023 and the order dated 19th September 2022.
- 3.** Principal ground raised by the petitioners is lack of notice of hearing of proceeding under section 33 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971. Neither the First Authority nor the Appellate Authority has

recorded a finding that the petitioners are served. In absence of such finding and in absence of proof of service of notice on the petitioners, the authorities below could not have passed an order against the petitioners.

4. Hence, rule is made absolute in terms of prayer clause (a).
5. The proceedings are remanded back to respondent No.2 for decision afresh.
6. The petitioners shall appear before respondent No.2 on 12th February 2024.
7. Respondent No.2 shall decide the proceedings within four weeks from the date of appearance of the petitioners.
8. With this, the writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)