

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3504 OF 2023

ANIL ANANT MANDAVKAR & ORS.	PETITIONER
V/S	
APEX GRIEVANCE REDRESSAL COMMITTEE	RESPONDENTS

...
WITH
INTERIM APPLICATION NO.14789 OF 2023
IN
WRIT PETITION NO.3504 OF 2023

MIGHTY ENGINEERS DEVELOPERS & CONTRACTOR	APPLICANT
IN THE MATTER BETWEEN:	
ANIL ANANT MANDAVKAR & ORS.	PETITIONER
V/S	
APEX GRIEVANCE REDRESSAL COMMITTEE	RESPONDENTS

...
WITH
WRIT PETITION NO.13644 OF 2023

LUCY SATHURINE LOBO	PETITIONER
V/S	
APEX GRIEVANCE REDRESSAL COMMITTEE	RESPONDENTS

...
Mr. Sanjeev D. Deore with Ms. Suchita J. Pawar & Mr. Jitendra Pagar, for
Petitioner in WP/3504/2023.
Mr. Vilas Jadhav with Mr. Akhilesh Singh, for Petitioner in
WP/13644/2023
Mr. Milind More, for AGRC, Resp. No. 1 in both WPs.
Mr. Jagdish G. Aradwad (Reddy), for SRA, Respondent No. 2 & 3 in both
WPs.

Mr. Cherag Balsara i/b Mr. Abhijit Patil for Respondent No.3 in WP 13644 of 2023.

Mr. Ashish Kamat, Senior Advocate i/b Mr. Abhijit Patil, for Respondent No. 4 in WP/ 3504/2023

Mr. Akshay Patil with Ms. Devika Madekar i/b Ms. Bindu Parikh, for Society, Respondent No. 5 in both WPs.

WITH
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.6463 OF 2023
WITH
INTERIM APPLICATION (L) NO.14311 OF 2023
IN
WRIT PETITION (L) NO.6463 OF 2023

SANDEEP PRABHAKAR MAYEKAR	PETITIONER
V/S	
APEX GRIEVANCE REDRESSAL COMMITTEE	RESPONDENTS

...
WITH
INTERIM APPLICATION (L) NO.20224 OF 2023
IN
WRIT PETITION (L) NO.6463 OF 2023

MIGHTY ENGINEERS DEVELOPERS & CONTRACTOR	APPLICANT
IN THE MATTER BETWEEN:	
SANDEEP PRABHAKAR MAYEKAR	PETITIONER
V/S	
APEX GRIEVANCE REDRESSAL COMMITTEE	RESPONDENTS

...

Mr. Vishal Hegde with Mr. R.P. Shirole & Mr. Shantanu Kanade, for Petitioner in WP 6463 of 2023 and IAL 14311 of 2023 and IAL 20224 of 2023.

Mr. Milind More, for AGRC, Resp. No. 1

Ms. P.H. Kantharia, for SRA, Respondent No. 2 & 3

Mr. Abhijit Patil, for Developer, Resp. No. 4

Mr. Akshay Patil with Ms. Devika Madekar i/b Ms. Bindu Parikh,
Respondent No. 6 for Society,

...

CORAM: SANDEEP V. MARNE, J.

DATE : FEBRUARY 21, 2024.

P.C.:

1 These three Petitions are filed by various slum dwellers who are essentially aggrieved by the Developer continuing the Slum Rehabilitation Scheme (SRS). According to the Petitioners the appointment of the Developer-M/s. Mighty Engineers Developer and Contractor is not legally valid and that the said Developer is not entitled to implement the SRS. With this grievance, the slum dwellers have filed two Appeals bearing Appeal Nos.19 of 2021 and 10 of 2023 before the Apex Grievance Redressal Committee (AGRC) which are pending. Additionally the Society terminated the development agreement of the Developer and filed proceedings under sections 13(2) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (Slum Act) before the Chief Executive Officer, SRA. However Society's application came to be rejected by the Chief Executive Officer, SRA by order dated 8 December 2022. The order of the Chief Executive Officer, SRA has been assailed by the Society before the AGRC in Appeal No.152 of 2023.

2 This is how three Appeals being Appeal Nos.19 of 2021, 10 of 2023 and 152 of 2023 are currently pending before the AGRC.

3 In the meantime notices have been issued for eviction of the Petitioners under provisions of sections 33 and 38 of the Slum Act which are under challenge in the present Petitions. This Court granted ex-parte interim order dated 24 February 2023 directing that no coercive steps be taken in consequence of the notices dated 13 December 2022 and 14 February 2023. The said interim order continues to operate till date. It appears that another interim order was passed on 26 May 2023 in Writ Petition (L) No.6463 of 2023 which also continues to operate till date. Ordinarily the issue of appointment of Developer pending before AGRC cannot be mixed with the issue of legality of Notices issued under sections 33 and 38 of Slum Act. I am however requesting the AGRC to take up the pending Appeals for expeditious disposal only on account of operation of interim orders in the Petitions for considerable period of time.

4 In my view since the issue of entitlement of the Developer to implement the SRS is under challenge in Appeal Nos.19 of 2021, 10 of 2023 and 152 of 2023, it is appropriate that AGRC takes up said three Appeals for expeditious decision. The validity of the eviction notices issued under sections 33 and 38 of the Slum Act would obviously depend upon the outcome of the said three Appeals. This arrangement is however made in peculiar facts of this case and the same cannot be treated as a precedent.

5 I am informed that the AGRC's next meeting is scheduled to be held on 23 February 2024. Accordingly the Writ Petitions are disposed of by passing following order:

ORDER

i) The AGRC shall take Appeal Nos.19 of 2021, 10 of 2023 and 152 of 2023 on Board in its meeting to be held on 23 February 2024.

ii) The AGRC shall commence hearing of the three Appeals on 23 February 2024 and shall make an endeavour to decide all the three Appeals as expeditiously as possible preferably by 31 March 2024. Till decision of Appeal Nos.19 of 2021, 10 of 2023 and 152 of 2023 and for a period of two weeks thereafter, the interim order passed by this Court on 24 February 2023 and 26 May 2023 shall continue to operate.

6 Needless to say that the AGRC shall decide the said Appeals uninfluenced by any of the observations made by this Court in any of the orders.

7 With the above directions, the Writ Petitions are disposed of.

8 In view of disposal of Writ Petitions, nothing survive in the Interim Applications, the same are disposed of accordingly.

Digitally signed
by
SUDARSHAN
RAJALINGAM
KATKAM
Date:
2024.02.23
15:04:48 +0530

katkam

(SANDEEP V. MARNE, J.)