

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3506 OF 2023

RAMDAS LAXMANDAS MAKHIJA	PETITIONER
V/S	
APEX GRIEVANCE REDRESSAL COMMITTEE	RESPONDENTS

...
WITH
INTERIM APPLICATION NO.14788 OF 2023
IN
WRIT PETITION NO.3506 OF 2023

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

...

Mr. Sanjeev D. Deore with Ms. Suchita J. Pawar & Mr. Jitendra Pagar, for
Petitioner.
Mr. Milind More, for AGRC, Resp. No. 1
Mr. Jagdish G. Aradwad (Reddy), for SRA, Respondent No.2.
Mr. Cherag Balsara i/b Mr. Abhijit Patil, for Respondent No. 3.
Mr. Akshay Patil with Ms. Devika Madekar i/b Ms. Bindu Parikh for
Respondent No.4-Society.

...

CORAM: SANDEEP V. MARNE, J.
DATE : FEBRUARY 21, 2024.

P.C.:

1 By this Petition, Petitioner challenges order dated 14 February 2023 passed by the Apex Grievance Redressal Committee (**AGRC**) rejecting Application No.409 of 2022 filed by the Petitioner challenging notice dated 13 December 2022 issued under sections 33 and 38 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (**the Slum Act**). The chief grievance of the Petitioner before the AGRC was about erroneous inclusion of his factory premises into the Slum Rehabilitation Scheme (**SRS**).

2 The AGRC has rejected Petitioner's Appeal observing that the scope of AGRC to examine correctness of the notice issued under sections 33 and 38 of the Slum Act is extremely limited and that AGRC cannot decide the issue of applicability of SRS to the land on which Petitioner's structure is located.

3 Mr. Deore, the learned Counsel appearing for the Petitioner would submit that Petitioner has already instituted Writ Petition No.5527 of 2023 before the Division Bench of this Court challenging applicability of SRS to the land on which his structure is located. In that view of the matter Petitioner will have to agitate his grievance in respect of implementation of SRS in Writ Petition No.5527 of 2023. The scope of the present Petition is extremely narrow viz. the correctness of notice issued under sections 33 and 38 of the Slum Act. In this Petition, this Court

cannot decide the issue of legality of implementation of SRS on land on which Petitioner's structure is located.

4 Mr. Deore pleads of consideration of request for interim relief. Petitioner will have to apply for interim order in Writ Petition No.5527 of 2023. In that view of the matter the Writ Petition is disposed of with liberty to the Petitioner to agitate all points raised in the present Petition in Writ Petition No.5527 of 2023.

5 In view of the disposal of the Writ Petition, nothing survives in the Interim Application and the same is disposed of accordingly.

(SANDEEP V. MARNE, J.)

Digitally signed
by
SUDARSHAN
RAJALINGAM
KATKAM
Date:
2024.02.23
14:57:10 +0530