

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO. 50 OF 2024
IN
WRIT PETITION NO. 1188 OF 2023
WITH
INTERIM APPLICATION NO. 7734 OF 2024
IN
REVIEW PETITION NO. 50 OF 2024
IN
WRIT PETITION NO. 1188 OF 2023.

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

Versus

Slum Rehabilitation Authority & Ors ...Respondents

SHEPHALI
SANJAY
MORMARE

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SHEPHALI SANJAY
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Mr SG Kudle, for the Petitioners.
Mrs PH Kantharia, for Respondent No.1-SRA.

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

DATED: 15th April 2024

PC:-

1. The delay in filing the Review Petition is condoned. The Interim Application is made absolute. Heard Mr Kudle for the

Review Petitioners. The review is sought of our order of 31st January 2023. The grounds in the Review Petition are entirely different from what is argued across the Bar. It is suggested that learned Advocate appearing for the Petitioners on that date and there is no doubt that he had authority to represent them, was in some other matter an Advocate for the builder. That means nothing and is not a ground for review. It is then argued that though the Advocate for the Petitioners on 31st January 2023 had said that all that was sought was the liberty to canvass the question of eligibility before the Apex Grievance Redressal Committee (“AGRC”), the Court should have nonetheless proceed it to examine the matter in detail on merits. There is no substance to this argument. If Counsel for the Petitioners properly briefed, restricts an argument, it is not necessary for the Court to examine every issue on merits. Indeed, in a given case that may be entirely counterproductive.

2. Then exception is taken to the statement recorded in paragraph 4 of the order under review. This notes that the learned Advocate then appearing for the Petitioners had said that there was no challenge to the acquisition itself, i.e., the acquisition under Section 14 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act 1971. Obviously paragraph 4 has to be read with paragraph 1. This only means that the Petitioners were then canvassing their rights to eligibility. If found eligible, it is clear that eligibility will survive any acquisition proceeding. In another words the Section 14 acquisition does not wipe out eligibility if eligibility is otherwise established.

3. It is clear to us that the attempt now, belatedly, is only to take a second chance at reassessing eligibility in the guise of this Review Petition.

4. The Review Petition is misconceived. It is rejected.

(Neela Gokhale, J)

(G. S. Patel, J)