

Shabnoor

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

WRIT PETITION NO.173 OF 2022

Abdul Samad Abdul Gafoor Bisti ... Petitioner
V/s.
The Chief Executive Officer
Slum Rehabilitation Authority & Ors ... Respondents

**WITH
INTERIM APPLICATION NO.7759 OF 2024**

**WITH
INTERIM APPLICATION NO.7758 OF 2024
IN
WRIT PETITION NO.173 OF 2022**

M/s. Truly Creative Developer Pvt. Ltd. ... Petitioner
V/s.
Abdul Samad Abdul Gafoor Bisti ... Respondents

Mr. Sarosh Damania a/w Ms. Riddhi Shah i/by Mr. A.
A. Maniyar, for Petitioner.

Mr. P. G. Sawant, AGP for State/Respondent.

Mr. Yogesh Patil i/by Mr. Vijay Patil, for Respondent
Nos.1 & 4.

Mr. Akash Loya i/by Mr. Navin Arora, for Respondent
No.3 (through V.C.)

CORAM : AMIT BORKAR, J.

DATED : APRIL 16, 2024

SHABNOOR
AYUB
PATHAN

Digitally signed by
SHABNOOR AYUB
PATHAN
Date: 2024.04.16
17:42:39 +0530

P.C.:

1. The petitioner is challenging an order passed by the Chief Executive Officer (“CEO”), Slum Rehabilitation Authority (“SRA”) dismissing petitioner’s Appeal challenging clause (5) of the order dated 27 September 2019.

2. It is not in dispute that the original proceedings were instituted under Section 13(2) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (“said Act”) for termination of appointment of respondent No.1. The CEO, SRA by order dated 27 September 2019, permitted respondent No.1 to complete the project, subject to conditions referred in the operative part of the order. However, by clause (5) of the operative part, the first Authority clarified that the irregularities alleged by the Applicant/Society and the intervener shall also be reviewed in meeting dated 15 October 2019. Aggrieved by clause (5) of the order dated 29 September 2019, the petitioner filed an Appeal before the Apex Grievance Redressal Committee. The Appellate Authority by the impugned order dismissed the Appeal.

3. According to the petitioner, the declaration of the slum was contrary to the provisions of the said Act. According to the petitioner, several illegalities committed in relation implementation of rehabilitation scheme.

4. For consideration of grievance of the petitioner that, the

declaration of slum was not in accordance with law, the petitioner needs to institute appropriate proceedings as are advised in accordance with law. The Authority exercising power under Section 13(2) of the said Act has no power to adjudicate on an issue as to whether declaration of slum was in accordance with law or not. Therefore, keeping questions raised by the petitioner open to be agitated in appropriate proceedings as are permissible in law. The writ petition stands disposed of. No costs.

5. In view of disposal of writ petition, the interim applications stand disposed of.

(AMIT BORKAR, J.)