

Sumedh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12995 OF 2024

Madhukar Dharma Mahakal & Ors ...Petitioners

Versus

State of Maharashtra & Ors ...Respondents

Mr Suresh Mane, with *Babita Pandey, Dinesh Sonawane*, for the
Petitioner.

Mr RM Shinde, AGP, for the *Respondent-State.*

Mr Satchit Bhogle, Panel B Counsel, for Respondents Nos. 1, 3, 4 &
6.

Mr Jagdish G Aradwad (Reddy), for Respondent No. 5-SRA.

CORAM: M.S. Sonak &
Kamal Khata, JJ

DATED: 12th September 2024

PC:-

1. Heard Dr Mane for the Petitioner, Mr Reddy appears at our requests on behalf of the SRA and Mr Bhogle, 'B' Panel Advocate for the State.

2. The Petition was mentioned in the morning session, and an apprehension was expressed that the Petitioners would be evicted

and their structures would be demolished, as with their neighbours and neighbouring structures.

3. Though the Petitioners have challenged a notification of 2016, the Petitioners' immediate concern appears to be an apprehended order pursuant to SRA notice dated 19/08/2024. This notice is at page 32 of the Petition.

4. Notice dated 19/08/2024 is the only show cause notice that allowed the Petitioners to show cause and remain present for the hearing on 26/08/2024. Dr Mane states that the Petitioners did attend the hearing on 26/08/2024. Still, they apprehend that eviction/demolition orders would be passed, leaving the Petitioners with no time to Appeal such eviction/demolition orders. He points out that against such orders, an Appeal is provided to the Apex Grievance Redressal Committee (AGRC) under Section 35 of the Maharashtra Slum Areas (Improvement, Clearance And Redevelopment) Act, 1971

5. Considering the photographs shown to us by Dr Mane and his submission that the Petitioners are the tribals on this land since the 1950's, we direct that the order pursuant to the hearing held on 26/08/2024 or pursuant to the notice dated 19/8/2024 should be communicated to the Petitioners. The same should not be acted upon or implemented for two weeks from such communication. This means that the Petitioners should not be evicted, or their houses should not be demolished for two weeks from the date of communication of the eviction or demolition order.

6. We cannot anticipate what orders the SRA will pass at this time. Therefore, at this stage, we do not wish to entertain the present Petition. If any adverse orders are made, the Petitioners can Appeal them. The contentions of the 2016 notification are kept open, as are all contentions of all parties.

7. The Petition is disposed of in the above terms without any orders for costs. All concerned to act on an authenticated copy of this order.

8. We request Mr Reddy to communicate this order to the SRA, and the petitioner should also do so.

(Kamal Khata, J)

(M.S. Sonak, J)