



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.10818 OF 2024
IN
WRIT PETITION NO. 2470 OF 2021

Kanak Deepak Upadhyay

... Applicant.

Versu

State of Maharashtra and Ors.

... Respondents.

Mr. Sagar Batavia i/by Mr.A.N.Giri, for the Applicant-Petitioner.

Ms. Ravleen Sabharwal a/w. Ms. Aarushi Yadav and Ms. Niyati Gupta, for the Respondent Nos.2 to 4-SRA.

Ms. M.S. Bane, AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : July 23, 2024

P. C. :

1. Not on board. Upon mentioning, taken on production board.
2. Interim Application has been preferred seeking recall of the order dated 22nd July, 2024.
3. Issue notice to the Respondents. Learned AGP waives notice on behalf of the Respondent No.1 and Ms.Sabharwal, learned counsel waives notice on behalf of the Respondent Nos.2 to 4. Issue notice to the Respondent No.3, returnable after period of three weeks.
4. In addition to Court notice, the Applicant is permitted to serve the Respondent No.3 by private notice and to file affidavit of service before the next date.

5. Learned counsel for the Applicant points out that the Writ Petition was dismissed for non-prosecution yesterday i.e. on 22nd July, 2024 and immediately the Tahsildar and the Competent Authority, SRA has issued a notice for eviction yesterday itself calling upon the Applicant to vacate the premises or before 23rd July, 2024. This Court is informed that the order of 22nd July, 2024 is not yet been uploaded and despite thereof, the Tahsildar and the Competent Authority, Slum Rehabilitation Authority without authenticated copy of the order, has issued the notice for eviction.

6. Let an affidavit-in-reply be filed by the Tahsildar and the Competent Authority, Slum Rehabilitation Authority, explaining as to why without any copy of the order, immediately on the same day, notice was issued seeking eviction of the Petitioner on the very next day. Affidavit be filed within a period of one week from today.

7. In the meantime, there shall be stay to the notice dated 22nd July, 2024 issued by the Tahsildar and the Competent Authority, Slum Rehabilitation Authority.

8. Stand over to **13th August, 2024.**

[Sharmila U. Deshmukh, J.]