

Amol

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 757 OF 2023

Raghunath Shinde ...Petitioner
Versus
The State of Maharashtra & Ors ...Respondents

Mr Chirag Kamdar, *with Bipin Joshi, for the Petitioner.*
Ms Lavina Kriplani, AGP, *for the Respondent-State.*
Ms GR Shastri, *for the Respondent-SRA.*
Ms Rupali Adhate, *i/b Sunil Sonawane, for the Respondent-BMC.*

CORAM G.S. Patel &
Kamal Khata, JJ.
DATED: 22nd March 2024

PC:-

1. **Heard. Rule.**
2. Prayer clauses (a) and (b) read thus:

“(a) this Honourable Court be pleased to issue Writ of certiorari or writ in the nature of Certiorari or such other writ in the matter of Impugned directions issued by the Respondents of dated 23.11.2021 and 01.09.2022, being Exhibit-L & W respectively annexed hereto and this Honourable Court be pleased to direct the Respondents to produce the papers and proceedings of the Petitioners’ proposal for amalgamation filed and pending before the

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Respondents and after perusing and after going into its legality and validity and proprietary thereof, the said directions be quashed and/or set aside and/or waived the conditions proposed therein and be further pleased to direct the Respondents to consider the Petitioner's proposal on merits.

(b) That pending the hearing and final disposal of the Petition, this Honourable Court be pleased to direct the Respondents to dispose off the Petitioner's proposal for amalgamation on merits without insisting for the onerous conditions imposed by their letter dated 23.11.2021 and 01.09.2022 referred to hereinabove."

3. The last line of prayer clause (a) indicates what is really sought, viz., that the Petitioner's representation or proposal for amalgamation be disposed of on merits.

4. The Petitioner is opposing the imposition of conditions specified in the letters dated 23rd November 2021 and 1st September 2022 at Exhibits "L" and "W" to the Petition. The Petitioner is always entitled to make a representation as to why these conditions ought not to be imposed on the Petitioner. The Petitioner is entitled to submit a supplementary submission if thought fit to the appropriate officer of the Slum Rehabilitation Authority ("SRA") within a period of 10 days from today. That application or representation will be disposed of on merits.

5. All contentions are kept open. It is open to the authority to consider the Petitioner's case for waiver or dispensation of the conditions prescribed in the communications dated 23rd November

2021 and 1st September 2022, to modify them in some appropriate manner, or to retain them as they stand but for this they will require a speaking order with reasons.

6. The Petition is disposed of in these terms. There will be no order as to costs.

(Kamal Khata, J)

(G. S. Patel, J)