

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.962 OF 2024

Geeta Kishor Waghela

...Petitioner

Versus

The Add. Collector (Western Suburb) & Ors.

...Respondents

Mr. Ashwin S. Tripathi i/b Ms. Nilima Sarvagod, for the Petitioner.

Mr. Suraj Gupte, AGP, for the Respondent No.1-State.

Ms. Anisha Didwania i/b Ms. Neha Bhosale, for Respondent No.2.

CORAM: MADHAV J. JAMDAR, J.

DATED: 30 JULY 2024

P.C.:

1. By the present Writ Petition preferred under Article 226 of the Constitution of India, the Petitioner has challenged the Order dated 25th May 2023 passed by the Respondent No.2 – Competent Authority-2, Slum Rehabilitation Authority. By the said Order, it is observed that the Petitioner was in possession of an unauthorised construction and therefore a direction was given to the Petitioner to demolish the said unauthorised construction.

2. Mr. Tripathi, learned Counsel for the Petitioner states that during the pendency of this Writ Petition the said construction has been demolished. However, he states that said construction was a legal construction. He states that the Petitioner be granted opportunity to file

an appropriate Application before the Respondent No.2 –Competent Authority, Slum Rehabilitation Authority for establishing the Petitioner's claim that the said structure is an authorised structure.

3. Accordingly, the Writ Petition is disposed of by passing following Order:

- (i) As the structure in question is already demolished, the challenge to the impugned Order dated 25th May 2023 passed by the Respondent No.2 –Competent Authority, Slum Rehabilitation Authority does not survive.
- (ii) The Petitioner is at liberty to file appropriate Representation/Application before the Respondent No.2 –Competent Authority within 2 weeks from today with regard to her contention that the structure in question is a legal and authorised structure. Let such Application be filed within a period of 2 weeks.
- (iii) The Respondent No.2 to decide said Application in accordance with law on or before 30th November 2024.

4. It is clarified that this Court has not considered the merits and all contentions on merits are expressly kept open.

[MADHAV J. JAMDAR, J.]