



Darshan Patil

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 773 OF 2023
IN
WRIT PETITION NO. 1874 OF 2024**

Kalpna Hiralal Giri ...Applicant
In the matter between

Kalpna Hiralal Giri and Ors. ...Petitioners
Versus

The State of Maharashtra and Ors. ...Respondents

Mr. D.V. Sawant i/b K.H. Giri and Ass., *for the
Applicant/Original Petitioners.*

Ms. Varsha Sawant AGP, *for the State.*

Mr. Vijay Patil, *for Respondent No.2 (SRA).*

Mr. Girish Utangale a/w Mr. Saurabh Utangale, *for
MHADA/Respondent No.3.*

Mr. Kevin Gala i/b Adv. Mehul Thakkar, *for
Respondents No. 14 and 15.*

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

DATED: 11th June 2024

PC:-

- 1.** Heard learned Counsel for the parties.
- 2.** In this Writ Petition, the petitioners seek a writ of mandamus requiring respondents No. 1, 2 and 3 to initiate proceedings under Section 13(2) of the Maharashtra Slum Areas (Improvement, Clearance

and Redevelopment) Act, 1971 ('SRA Act' for short) against respondent No.4 in respect of the implementation of the SRA scheme by replacing respondent No.4 with some other developer.

3. Mr Sawant states that respondent No.4 has duly served in this matter, and the affidavit of service has been filed in the registry. Respondent No.4 has also filed a reply.

4. The Writ Court does not normally issue a writ of mandamus requiring authorities to act in a particular manner. However, since the petitioners, by their representation dated 09th December 2022 (Exhibit 'M' to the petition), have applied to the SRA to consider initiation of action under Section 13(2) of the SRA Act, it is only appropriate that the SRA at least considers and disposes of the petitioners' representation dated 09th December 2022 in accordance with law and on its own merits.

5. If the statute requires an opportunity to hear any of the parties that are likely to be affected, then the SRA or the competent authority will grant such an opportunity, as the case may be. Therefore, at this stage, we only direct respondents No. 1, 2 and 3 to dispose of the petitioner's representation dated 09th December 2022 in accordance with law and on its own merits as expeditiously as possible and in any event by 30th August 2024. The concerned

authorities must communicate their decision to the petitioners by that date.

6. Upon the decision being communicated, if any of the parties are dissatisfied or aggrieved by it, they shall have the liberty to take appropriate proceedings as permissible under the law to question such decision.

7. Mr Patil states that respondent No.2 is the competent authority, and accordingly, respondent No. 2 will consider and dispose of the petitioners' representation in accordance with the law. This statement is accepted.

8. We clarify that we have not examined the rival contentions, or rather, rival allegations and counter-allegations, in this petition. Therefore, it is for the 2nd respondent to look into all such matters while disposing of the petitioners' representation. Therefore, all the contentions of all the parties are kept open to be considered by the 2nd respondent in the first instance.

9. With the above directions, this writ petition is disposed of. The interim applications, if any, also stand disposed of.

10. There shall be no orders as to the costs.

(Kamal Khata, J)

(M.S. Sonak, J)