



Darshan Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2804 OF 2024

Arun Lawrance Dsouza

...Petitioner

Versus

State of Maharashtra and Ors.

...Respondents

Mr Ajaz A Ansari, *for the Petitioner.***Ms Lavina Kriplani**, *AGP, for the Respondent-State.***Mr Anoop Patil**, *for Respondent No.2 (AGRC).***Ms Aneeta Vasani**, *i/b Vishal Nevshe, for Respondent No.7 (Developer).***Mr Jagdish Reddy**, *for Respondents No. 3 to 6 (SRA).***Mr Audumber Patil**, *Tehsildar SRA- Present.*

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

DATED: 27th June 2024

PC:-

1. Heard learned counsel for the parties.
2. The limited relief in this petition is for the implementation of the order dated 21st September 2019 issued by the Apex Grievance Redressal Committee (“AGRC”) in Appeal (L) No. 06 of 2018 by the petitioner herein.
3. The operative portion of the order dated 21st September 2019 reads as follows:-

“9. Considering the submission made by Advocate for Appellant and report submitted by Jt. registrar, Co-Operative Societies/SRA this Committee directs Dy. Collector/SRA to initiate action against 23 illegal occupants of Rehab tenements situated in Guru Hari Rai CHSL Building No. A/7 situated on plot of land bearing CTS No. 581, 582, 584 to 592 of Village Koliwada, Mahakali Nagar, Andheri (E) Mumbai 400 051 under Section 3(E) of Maharashtra Slum Areas (I, C&R) Act 1971 after following due process of law. Thereafter, to take possession of said Rehab Tenement in the custody of SRA as PAP tenements.”

4. On 26th June 2024, we adjourned the matter to enable Mr Reddy, learned counsel for the SRA, to obtain instruction as to whether this direction was complied with and, if not, the reasons for non-compliance.

5. On instruction, Mr Reddy states that the order was not complied with, but it will now be complied with within four weeks from today without fail. We accept this statement and direct the SRA to comply with this order within four weeks from today.

6. Learned counsel for the seventh respondent (Developer) submits that the SRA has verified all the documents and also accepted the transfer fees from the purchasers. She says that this exercise was carried out on 02nd February 2019.

7. The AGRC's order is dated 21st September 2019. The committee has held that action was required to be initiated against 23 illegal occupants of the Rehab tenements and further directed such action after following due process of law. Neither the seventh respondent who has inducted these persons challenged this order

nor have those occupants challenged this order to date. Therefore, we can not deny the petitioner the relief that he seeks.

8. However, nothing in this order will prejudice either the seventh respondent or the occupants from taking out such proceedings as may be available under the law for challenging the order dated 21st September 2019. However, as long as such order is not set aside or stayed, we accept Mr Reddy's statement made on behalf of SRA and direct the SRA to act consistently with its statement.

9. This Writ Petition is disposed of in the above terms. There shall be no orders as to costs.

10. All concerned to act on the authenticated copy of this order.

11. Though we have disposed of this petition, we direct the SRA to file a compliance report in this Court on or before 25th July 2024.

12. Accordingly, place this matter on 08th August 2024 for consideration of such a compliance report.

(Kamal Khata, J)

(M.S. Sonak, J)