

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

WRIT PETITION NO. 3038 OF 2024

Om Siddhivinayak Sahakari
Gruh Nirman Proposed Society

.Petitioner

Versus

The Slum Rehabilitation
Authority & Ors.

.Respondents

Mr. Akash Rebello a/w Mr. Vishal Hegde & Mr. R.P. Shirole,
Advocates, for the Petitioner.

Ms. Gaurangi Patil, AGP, for the Respondent – State.

Mr. Mayur Khandeparkar a/w. Mr. Akshay Patil & Mr. Abhijit Patil,
Advocate, for Respondent No.2.

Mr. Sumeet Palsuledesai i/b M.V. Kini & Co., Advocate, for
Respondent No. 3.

Ms. Sweta Shah i/b. Mr. Abhijit P. Kulkarni, Advocate, for the
Respondent – SRA.

CORAM: MADHAV J. JAMDAR, J.

DATE: 12.07.2024

P. C.:

1. This Writ Petition was heard on 13.06.2024 by this Court and as the Court was not inclined to entertain the Writ Petition, the Petitioner sought withdrawal of the Writ Petition. The only request made was to grant time till 21.06.2024 to vacate the respective premises occupied by the members of the Petitioner-Society. Accordingly, members of the Petitioners filed undertakings to vacate the premises in question by 21.06.2024. On 21.06.2024, 43 members of the Petitioner-Society, who had failed to vacate the premises, requested for a further extension of time till 05.07.2024 for vacating the premises and further extension was granted till 05.07.2024 by

Order dated 21.06.2024. Similarly another extension till 12.07.2024 was requested for by the said members and was accordingly granted by Order dated 26.06.2024. In the Order dated 26.06.2024, it was made clear that the extension of time was granted till 12th July 2024 as a last chance.

2. Again a similar request is made today to extend the time to vacate the premises. However, in the Order dated 26.06.2024, it has been clarified that time to vacate the premises was extended as a last chance.

3. It is required to be noted that in the present Writ Petition, what is sought to be challenged is the eviction notice dated 28.05.2024. The said eviction notice dated 28.05.2024 was issued pursuant to the Order dated 09.05.2024 passed by a learned Single Judge in WP (L) No.14295 of 2024. It is also required to be noted that an SLP challenging the said Order dated 09.05.2024 passed by the learned Single Judge in WP (L) No.14295 of 2024 has been dismissed by the Supreme Court by the Order dated 06.06.2024 passed in Special Leave to Appeal (C) No.12839 of 2024.

4. The only ground raised to challenge said eviction notice dated 28.05.2024 is on the basis of the Circular dated 29.06.2021 issued by the State of Maharashtra. As per the said Circular, action to evict persons occupying unauthorised structures/slum etc. or to demolish such structures, should be avoided during monsoon as the occupants of such structures are rendered homeless and they are required to be

accommodated in civic body shelters. However, in the present case, as noted in paragraph Nos.4 & 5 of the Order dated 13.06.2024, the entire rent for a period of two years has been deposited by the Respondent No.2 with the Respondent No.1-Slum Rehabilitation Authority (“SRA”) and the SRA has been directed to pay the said rent to the eligible members of the Petitioner-Society. Therefore, members of the Petitioner-Society can acquire alternate residential premises on leave and license basis. Thus, when it was pointed out to the learned Counsel appearing for the Petitioner that the said Circular would not apply to the present case, the learned Counsel for the Petitioner, after taking instructions, withdrew the Writ Petition and requested to grant time to vacate the premises.

5. Accordingly, no case is made out for grant of extension of time. Thus, request for extension is rejected.

[MADHAV J. JAMDAR, J.]