



Pradnya

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CONTEMPT PETITION NO. 50 OF 2024
IN
WRIT PETITION NO. 3524 OF 2023

Sadhu Tukra Shetty and anr. ...Petitioners
Versus
The Tehsildar, Slum Rehabilitation Authority ...Respondents
and ors.

WITH
CONTEMPT PETITION (L) NO. 24706 OF 2024
IN
WRIT PETITION NO. 3524 OF 2023

M/s. Tehnia Enterprises Pvt. Ltd. ...Petitioner
Versus
Sadhu Tukra Shetty and ors. ...Respondents

WITH
WRIT PETITION (L) NO. 25236 OF 2024

Stans Buildtech Realty ...Petitioner
Versus
State of Maharashtra and ors. ...Respondents

Mr Akash Rebello, a/w Mr Sachin A. Mhatre, Mr Yogesh Sekhar
Naidu h/f. Mhatre Law Associates, for the Petitioners in

CONPW/50/2024 and for Respondent Nos.4 and 5 in WPL/25236/2024.

Mr Ashish Kamat, Senior Advocate, Mr Vibhav Krishna, Mr Vikramjit Singh Garewal, Mr Anmol Bartaria i/b. Juris Consillis, for the Petitioner in WPL/25236/2024.

Mr Milind More, Addl.G.P, a/w Mr Himanshu Takke, AGP, for the Respondent-State in CONPW/50/2024.

Mr Prashant Kamble, AGP, a/w Ms Poonam Mital, AGP, for the Respondent-State.

Mr Karl Tamboly, a/w Mr Sagar Deb, for Respondent No.6 in WPL/25236/2024, for the Petitioner in CONPWL/24706/2024 and for Respondent No.4 in CONPW/50/2024.

Mr Tahir Prande, for Respondent No.7.

Ms Simantini Mohite, for the Respondent-SRA.

**CORAM M.S. Sonak &
 Kamal Khata, JJ.
DATED: 30th August 2024**

PC:-

1. Learned counsel for the Petitioners in the Contempt Petitions and in the Writ Petition hand in signed consent minutes, which are taken on record and marked as “X” collectively for identification with today’s date. To these consent minutes are annexed the drafts of the permanent alternate accommodation agreements, which are also taken on record.

2. We dispose of the Contempt Petitions and the Writ Petition in terms of the consent minutes handed in subject to what we observe hereafter.

3. Learned counsel for Slum Rehabilitation Authority (“SRA”) has filed an affidavit in this Court on 21st August 2024. The affidavit states that the impugned stop work notices dated 8th May 2024 and 8th July 2024 were issued because of certain breaches set out in paragraphs 6 to 10 of the affidavit. By the consent minutes now handed in, the parties have undertaken to remedy such breaches. Therefore, there is no necessity for the stop work orders or the MRTP notice dated 2nd August 2024 to continue any further for the present subject, no doubt, to what is set out in paragraphs 6 and 9 of the consent minutes.

4. The consent minutes provide that these stop work notices and the MRTP notice dated 2nd August 2024 would stand revived unless part occupancy is obtained on or before 31 January 2025. Paragraphs 6 and 9 of the consent minutes clarify this position.

5. Ms. Mohite, learned counsel for SRA, pointed out that despite receiving the stop work notice dated 8th May 2024, the writ petitioners continued with the construction. She submits that nothing in this order should prevent the SRA from taking any action under the law in this regard. Accordingly, we clarify that SRA will be free to take action in accordance with the law in this regard. Similarly, all contentions of all parties in this regard are kept open.

6. Accordingly, subject to what is set out hereinabove, there shall be an order in terms of consent minutes.

7. These consent minutes should be stored physically and digitally and not destroyed in the ordinary course.
8. The Contempt petitions and the writ petitions are disposed of in the above terms.

(Kamal Khata, J)

(M.S. Sonak, J)