



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR**

**Writ Petition (WP) No. 2465 of 2024**

Smt. Sunita Arun Kangale and another

**Versus**

The Maharashtra Slums Areas (I.C. & R) Tribunal, Mumbai and others

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

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Court's or Judge's Order

Shri S.D.Khati, Advocate for the petitioner.

Shri C.F.Bhagwani, Advocate for the respondent no.3.

**CORAM : N.R.BORKAR, J.**

**DATED : 26<sup>th</sup> SEPTEMBER, 2024.**

This petition takes exception to the order dated 27<sup>th</sup> October, 2024 passed by the Maharashtra Slum Area (I.C & R) Tribunal, Mumbai in Appeal No. 13 of 2022.

2. The respondent No.3 herein had filed an application under Section 22 of the Maharashtra Slum Area (Improvement, Clearance and Re-development) Act, 1977 for grant of permission to file the suit against the present petitioners. By order dated 19<sup>th</sup> November, 2009 the competent authority rejected the said application. Respondent No.3 had challenged the said order dated 19<sup>th</sup> November, 2009, by filing an appeal

and during the pendency of appeal, he filed the fresh application before the competent authority. By order dated 23<sup>rd</sup> June, 2014 the competent authority allowed the said application. The petitioner had challenged the said order dated 23<sup>rd</sup> June, 2014 by filing appeal. Both the appeals were heard together and by order dated 26<sup>th</sup> June, 2018 the appeal filed by the respondent no.3 was dismissed and the appeal filed by the petitioners was partly allowed. The Appellate Authority directed the competent authority to decide the matter afresh. Thereafter by order dated 18<sup>th</sup> November, 2021, the competent authority rejected the application filed by the respondent no.3.

3. By the impugned order, learned Appellate Authority has allowed the appeal filed by the respondent no.3 against the order of competent authority dated 18<sup>th</sup> November, 2021. The operative part of the order dated 27<sup>th</sup> October, 2023 reads thus:

- i) The appeal is allowed with costs.
- ii) Appellant is entitled for permission to file suit for eviction and suit for recovery of rental arrears.
- iii) Record and proceedings be returned to the Competent Authority alongwith the copy of judgment.

4. The learned counsel for the petitioner submits that the Appellate Authority has erred in

entertaining and allowing the appeal filed by respondent no.3, by not considering the fact that for the very same relief the first application filed by the respondent no.3 was rejected and appeal filed by the respondent no.3 against the said order was also dismissed.

5. On the other hand, the learned counsel for the respondent no.3 submits that both the applications were filed on different grounds. It is submitted that the Appellate Authority has thus rightly allowed the appeal.

6. I have perused the impugned order. It appears that the subsequent application was made on different ground. In that view of the matter, I am not inclined to interfere with the impugned order. Accordingly, the writ petition is dismissed.

**[N.R.BORKAR, J.]**