

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8400 OF 2024

Prakash Gangaram Ahire

....Petitioner

V/S

Deputy Collector (Encroachment and
Removal) & Competent Authority & Ors.

....Respondents

Mr. V.S. Kapse i/b Mr. Kunal Rane *for the Petitioner.*

Ms. Aloka A. Nadkarni, AGP *for Respondent Nos.1 / State.*

Mr. Vishwanath Patil with Ms. Nidhi Chauhan, Mr. Shantanu Katkar *for Respondent No.2-SRA.*

**CORAM: SANDEEP V. MARNE, J.
DATE : 16 APRIL 2025.**

P.C.:

1. The Petition challenges the order dated 22 November 2022 passed by the President, Maharashtra Slum Areas (I.C. & R.) Tribunal (**Tribunal**), recording that the Appeal preferred by the Petitioner is disposed of.

2. It appears that the arguments in the Appeal were heard on 11 November 2021 and the Appeal was closed for orders. Roznama shows that the order in the Appeal was pronounced on 29 March 2022 by setting aside impugned notification of slum declaration. However the then President of the Tribunal did not sign roznama dated 29 March 2022. It appears that even

roznama dated 11 November 2021 closing the Appeal for order was not signed by the then President. It appears that the then President, who pronounced the order on 29 March 2022, did not pass the reasoned order, which is not available in the records and proceedings, which are transmitted to this Court.

3. The Petitioner therefore made an application for rehearing of the Appeal. However the succeeding President has observed by order dated 22 November 2022 that the Appeal is shown to have been disposed of and has accordingly expressed difficulty in deciding the same again.

4. The position that obtain as of today is that though there is a pronouncement in the roznama on 29 March 2022, the actual order passed in the Appeal is not available on record. In that view of the matter, the Appeal is required to be heard afresh and decided on merits.

5. Consequently order dated 22 November 2022 is set aside. The Tribunal shall proceed to decide Appeal No.8 of 2019 after hearing the parties afresh. Parties shall appear before the Tribunal on 5 May 2025 and obtain further directions for fixation of date(s) of hearing in the Appeal. With the above directions, the Petition is **disposed of**.

6. The Tribunal shall expedite hearing of the Appeal and make an endeavour to decide the same as expeditiously as possible preferably within a period of six months.

7. Registry to transmit the records and proceedings to the Tribunal forthwith.

(SANDEEP V. MARNE, J.)

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