

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL WRIT PETITION NO. 9953 OF 2024**

Surendra Krishnaji Dabholkar

... Petitioner

V/s.

Mumbai Metropolitan Region

Slum Rehabilitation Authority & Ors.

... Respondents

Mr. Y.S. Jahagirdar, Senior Advocate a/w. Mr. Saurabh Oka for Petitioner.
Mr. Vijay D. Patil, Senior Advocate i/b. Mr. Yogesh Patil for Respondent No.1.
Mr. Mandar Limaye for Respondent No.2.
Mr. Rohit Sakhadeo for Respondent No.3-TMC.
Dr. Abhinav Chandrachud a/w. Ms. Shweta R. Rathod i/b. Elixir Legal
Services for Respondent No.4.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 17th February 2025.

P.C. :

1) At the outset, Dr. Chandrachud, learned counsel appearing for Respondent No.4 raised a preliminary objection about the maintainability of the present Petition. He submitted that, the Petitioner is having a substantive alternate statutory remedy under Section 35 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (*for short, S.R. Act*) for impugning the Order dated 22nd May 2024 passed by the Competent

Authority of Respondent No.1 and without availing the said remedy, the Petitioner has directly approached this Court under Article 226 of the Constitution of India.

2) Mr. Patil, learned senior counsel appearing for Respondent No.1 submitted that, he has also raised the same objection, which is recorded in the Order dated 10th October 2024.

3) As the Petitioner is having alternate statutory remedy under Section 35 of the S.R. Act by way of Appeal before the A.G.R.C., we deem it appropriate to relegate the Petitioner to avail the said remedy.

4) Petition is accordingly disposed off by reserving the said remedy in favour of the Petitioner.

5) To enable the Petitioner to file the said substantive Appeal before the Appellate Authority, ad-interim relief granted by Order dated 10th October 2024 to remain in force for a period of one week from the date of uploading of the present Order on the official website of the High Court of Bombay.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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