IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9251 OF 2025

Asthavinayak (SRA) Co-operative Hsg. Society Ltd. ...Petitioner

Versus

The Competent Authority-II SRA, Mumbai and ors. ...Respondents

SANTOSH SUBHASH KULKARNI

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Date: 2025.07.19 14:17:23 +0530

Ms. Shrushti More, for the Petitioner.
Mr. Amogh Singh, i/b Yash Legal, for the Intervener.
Ms. Arushi Yadav, i/b Ravleen Sabharwal, for Respondent No.1 – SRA.
Mr. A. C. Bhadang, AGP for the State.

CORAM: N. J. JAMADAR, J.
DATED : 18th JULY, 2025

Oral Order:-

1. Heard the learned Counsel for the parties.

2. The challenge in this petition is to an order dated 13th March, 2025 passed by the Competent Authority SRA (R1) directing the eviction of the respondents. The petitioners have preferred an appeal on 3rd April, 2025 against the said order under Section 35 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 ("the Slum Act, 1971").

3. The said appeal and the application for stay preferred therein have allegedly been not heard and a notice of eviction of the petitioners from the subject premises on 25th July, 2025 has

been issued, pursuant to the order impugned in the said appeal. The petitioners have thus preferred this petition.

4. Since the petitioners have preferred a statutory appeal under Section 35 of the Slum Act, 1971, the petitioners deserve an opportunity of hearing before the order impugned in the said appeal is executed.

5. In these circumstances, it would be expedient that the appeal and the application for stay filed therein are heard by the Appellate Authority. In the meanwhile, the execution and operation of the impugned order deserves to be stayed for a limited period.

6. The petition, thus, stands disposed with a direction to the Appellate Authority (R2) to hear and decide the appeal and the application for stay as expeditiously as possible.

7. The petitioners shall appear before the Appellate Authority on 22nd July, 2025.

8. The Appellate Authority shall make an endeavour to decide the appeal and, if it is not possible to finally decide the appeal, decide the application for stay within a period of two weeks from the communication of this order.

9. In the meanwhile, there shall be stay to the execution and operation of the impugned order passed by the Competent Authority (R1) for a period of three weeks.

10. The petition stands disposed.

11. Needless to clarify that this Court has not entered into the merits of the matter and all contentions of all the parties are kept open.

[N. J. JAMADAR, J.]