

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

WRIT PETITION NO.10102 OF 2025

Santosh Gangaram Kakwal	]	Petitioner
Versus		
The State of Maharashtra and others	]	Respondents

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Mr. Amey Sawant i/b Ms. Neha Parte, for Petitioner.

Mr. Y.D. Patil, A.G.P, for Respondent No.1 – State.

Mr. Ravleen Sabharwal a/w Ms. Aarushi Yadav, Mr. Mandar B. Waidande, for Respondents No.2 and 3.

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**CORAM : G.S. KULKARNI &
ARIF S. DOCTOR, J.J.**

DATE : 22nd July, 2025.

P.C:

1. This petition under Article 226 of the Constitution of India is filed praying for following substantive reliefs;

“a) issue a writ of certiorari or any other appropriate writ, order, or direction, quashing and setting aside the eviction order dated 01.04.2025 and eviction notice dated 30.06.2025 passed by Respondent No.3 to the extent they pertain to Room No. 204:

b) or and alternative issue a writ of mandamus or any other appropriate writ, order, or direction directing Respondent No.2 to expeditiously hear and decide the statutory appeal dated 17.07.2025 filed by the Petitioner under the Maharashtra Slum Areas Act, 1971 and pending the hearing and final disposal of the said appeal, stay the operation and implementation of the

impugned eviction order dated 01.04.2025 and eviction notice dated 30.06.2025 issued by Respondent No.3 to the extent they pertain to Room No. 204;

2. We have heard the proceedings on the earlier occasion. Learned Counsel for the petitioner has tendered an affidavit-cum-undertaking of the petitioner. The same is taken on record and marked “X” for identification. In the said affidavit-cum-undertaking, the petitioner has undertaken that he would vacate the premises in his possession viz. Room No.204, “B” Wing, Shramik Ekta Federation SRA Co-operative Housing Society Limited without prejudice to his contentions, is “the present petition” (Sic. pending appeal) filed by the petitioner before the Apex Grievance Redressal Committee. The petitioner undertakes to vacate the premises by 5th August, 2025 and hand over the possession of the same to the Slum Rehabilitation Authority. He has also undertaken not to create any third party rights or induct any other person in the said premises till the same are handed over. He shall not do so till further appropriate orders are passed by the Apex Grievance Redressal Committee in his pending appeal.

3. In this view of the matter, we are inclined to dispose of this petition by directing the Slum Rehabilitation Authority to take possession of the tenement in question as may be handed over by the petitioner on 5th August, 2025 or on any earlier date if so offered voluntarily by the petitioner. No third party rights whatsoever shall be created in respect of the said tenement by the Slum

Rehabilitation Authority. The premises be kept under the lock and seal of the Slum Rehabilitation Authority. This shall be subject to the final orders to be passed by the Apex Grievance Redressal Committee in the pending proceedings as filed by the petitioner.

4. It is clarified that, in the event, the petitioner does not succeed in his appeal and/or his appeal is rejected by the Apex Grievance Redressal Committee (AGRC), Slum Rehabilitation Authority after a period of ten days from the date of communication of the said order of the AGRC is free to deal with the said tenement in accordance with law.

5. At this stage, we are informed that there is also an appeal filed by the petitioner which is pending before the Grievance Redressal Committee in regard to the petitioner's eligibility. In the event, the Grievance Redressal Committee comes to a conclusion that petitioner is not eligible then obviously the proceedings filed by the petitioner before the Apex Grievance Redressal Committee will not be of any avail. In such case also, after a period of ten days from the date of communication of the said order, Slum Rehabilitation Authority is free to deal with the said tenement in accordance with law.

6. We permit the petitioner to move an application in the ensuing sitting of Apex Grievance Redressal Committee and if such application is made the Apex Grievance Redressal Committee may take an appropriate view of the matter

and pass appropriate orders including to fix the proceedings for hearing as it may deem fit and proper.

7. Let the proceedings be decided by the Apex Grievance Redressal Committee as expeditiously as possible and within a period of six months.

8. All rights and contentions of the petitioner in the present proceedings are kept open.

9. The petition is disposed of. No costs.

[ARIF S. DOCTOR, J.]

[G.S. KULKARNI, J.]