

TRUSHA
TUSHAR
MOHITE

Digitally signed by
TRUSHA TUSHAR
MOHITE
Date: 2025.08.08
16:05:18 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10721 OF 2025

Mr.Shamrao Phakkad Awale and Ors.

.. Petitioners

Versus

The State of Maharashtra & Ors.

.. Respondents

Mr.Vijay Kurle a/w Mr.Vikas Pawar, Ms.Sonal Manchekar, Ms.Priyal Gupta, Ms.Nikita Kinjara, Mr.Sagar Ugale, Mr.Barry Dabre, Mr.Jayendra Manchekar, Advocate for the Petitioner.

Ms.Shruti D.Vyas, Addl. G.P. a/w Ms.P.J.Gavhane, A.G.P. for Respondent No.1/State.

Mr.Deepak R. More a/w Mr.Shivram A. Gawade, Advocate for Respondent Nos.2 and 4, SRA, Pune.

Mr.Pravin Samadani, Sr.Advocate a/w Mr.Shashikant Surana i/b Mr.Madhur Surana, Advocate for Respondent No.5.

CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.

DATE: AUGUST 7, 2025

P. C.

1. The above Writ Petition is filed *inter alia* challenging the Final Declaration of the Slum Rehabilitation Area notified on 28th November 2024 under Section 3C (1) of the Maharashtra Slum Areas (Improvement, Clearance and Re-development) Act, 1971 (for short “the Slum Act”) and

consequential impugned Notice dated 30th June 2025 issued under Section 33 and 38 of the Slum Act.

2. Mr.Kurle, the learned counsel appearing on behalf of the Petitioners submitted that the reason for filing this Petition is basically because the Petitioners have challenged the declaration under Section 3C (1) before the Apex Grievance Redressal Committee (AGRC)(Respondent No.3). That challenge has been pending for quite a while and in the meantime, the Show Cause Notice dated 30th June 2025 has been issued to the Petitioner Nos.2, 3 and 4.

3. It is the apprehension of the Petitioners that before that Appeal is heard or even before the adjudication of the Show Cause Notice, the structures of the Petitioners standing on plot No.430/45 would be demolished.

4. The learned counsel appearing on behalf of the Respondent Nos.2 and 4 stated that the Notice dated 30th June 2025 is only a Show Cause Notice and which is still to be adjudicated. It is only once the adjudication is done, the order of demolition is issued.

5. We accept the said statement made on behalf of Respondent No.4. Once this statement is accepted, we find that the apprehension of the Petitioners are duly redressed. Since the Appeal filed by the Petitioners before the AGRC has been pending for quite some time, we direct the AGRC to decide the Appeal of the Petitioners challenging the Section 3C (1) declaration, as expeditiously as possible and preferably within a period of eight weeks from today.

6. The above Writ Petition is disposed of in the aforesaid terms. No order as to costs.

7. We must hasten to add that we have not examined the merits of the matter which shall be decided by the appropriate authorities on their own merits and in accordance with law.

8. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]