



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

WRIT PETITION NO.11990 OF 2025

Durgaprasad Jagannath Shetty ... Petitioner
versus
Deputy Collector, Special Cell
(Western Suburbs) Slum Rehabilitation
Authority and Ors. ... Respondents

Mr. Tushar Kochale with Mr. Ajay Jankar, Mr. Yash Jadhav, Ms. Shubhechha Kasrung, Mrs. Pradnya Bhuite, for Petitioner.
Mrs. Vaishali Nimbalkar, AGP for State.

CORAM: N.J.JAMADAR, J.

DATE : 15 SEPTEMBER 2025

P.C.

1. Heard the learned Counsel for the Petitioner.
2. The challenge in this Petition is to an order dated 10 February 2025 passed by the Deputy Collector, SRA, Mumbai, whereby in exercise of the orders under Section 33 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, the Petitioner has been directed to be evicted from the subject premises.
3. Learned Counsel for the Petitioner submits that, the Petitioner has assailed the said order before the Additional Collector, in Slum Appeal No.263 of 2025. However, the said appeal has not been heard and a notice (Exh.G) dated 25 August 2025, directing the forcible eviction of the Petitioner on 15

September 2025 has been issued.

4. Since the Appeal filed by the Petitioner under Section 35 of the Act 1971 before the Appellate Authority is subjudice, the Appellate Authority is expected to decide the application preferred by the Petitioner for stay, to the execution, operation and implementation of the order impugned before the Appellate Authority, before the Petitioner is evicted pursuant to the impugned order.

5. In view of the above, as the Petitioner has already invoked the jurisdiction of the statutory authority, this Court does not consider it expedient to entertain the Petition. It would be suffice to direct the Additional Collector and Appellate Authority to hear and decide the said application for stay preferred by the Petitioner as expeditiously as possible, and, preferably, within a period of three weeks from the date the Petitioner is directed to appear before the Appellate Authority.

6. Let the Petitioner appear before the Appellate Authority on 18 September 2025 at 11.00 a.m.

7. It is clarified that this Court has not entered into the merits of the matter and the Appellate Authority shall decide the appeal on its own merits and in accordance with law.

8. In the meanwhile, for a period of three weeks from 18 September 2025, the execution, operation and implementation of the order dated 10 February

2025, stands stayed qua the Petitioner.

9. Writ Petition stands disposed.

(N.J.JAMADAR, J.)