



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

WRIT PETITION NO.3178 OF 2026

Mohit Kamlakar Pilankar ... Petitioner
Versus
State of Maharashtra and Ors. Respondents

Ms. Manasi Pilankar, for the petitioner.

Smt. Pooja Patil, AGP, for the respondent-State.

Mr. Ravleen Sabharwal, Standing Counsel a/w Ms. Aarushi Yadav,

Mr. Aatish Tayade, Ms. Rutuja Shedge, for the respondent-SRA.

**CORAM : M. S. KARNIK &
S. M. MODAK, JJ.**

DATE : 10th MARCH, 2026

P.C. :

1. Heard learned counsel for the parties.
2. The petitioner by this Writ Petition is challenging the order dated 30th January 2026 passed by the competent authority of the Slum Rehabilitation Authority (SRA) under Section 33 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 ("the said Act", for short). Learned counsel for the respondents raised a preliminary objection that

against the impugned order the remedy of the petitioner is to file an appeal under Section 35 of the said Act.

3. Learned counsel for the petitioner submitted that the remedy under Section 35 of the said Act may not be an efficacious remedy. According to her, there is a serious dispute of title between the petitioner and respondent Nos.4 and 7, which can only be decided by the competent Civil Court. In such circumstances, it is submitted that the SRA should have put on hold the notice issued and the parties should have best left to agitate the dispute of title before the competent Civil Court. It is further submitted that as there is an imminent likelihood of eviction, the petitioner has approached this Court.

4. We find that all the contentions raised by the petitioner can well be agitated in the appeal that can be preferred under Section 35 of the said Act. Liberty to prefer the appeal is granted. It is always open for the petitioner to prefer an appropriate application for interim relief before the Appellate Authority and in any event if any adverse orders are passed on the appeal or if the interim relief prayed for is refused, the petitioner can resort to appropriate remedies challenging the same. Keeping all

contentions open and the liberty to prefer the appeal open, the present Writ Petition is disposed of.

5. If an application for interim relief is filed, there is no reason why the application would not be heard expeditiously on its own merits by the Appellate Authority if the petitioner is facing a threat of eviction.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)