

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 3894 OF 2025

Salma Yusuf Shaikh

... Petitioner

V/s.

The State of Maharashtra through
Government Pleader & ors.

... Respondents

Mr. A. N. Giri, with Mr. Sagar Batavia, for the Petitioners.

Ms. Usha Rahi, AGP, for the Respondent nos. 1 to 3-State.

CORAM : FARHAN P. DUBASH, J.

DATE : 17th MARCH 2026

ORDER.:

1. Rule. Rule made returnable forthwith. By consent of parties, the matter is taken up for final disposal today.

2. The present Writ Petition challenges an order dated 30th April 2025 passed by Respondent no. 2 - Grievance Redressal Committee (**GRC**) of the Slum Rehabilitation Authority (**SRA**) in Appeal No. 225 of 2024 and the earlier order dated 13th November 2024 passed by the Additional Collector, Appellate Authority – Respondent no. 3. The main grievance of the Petitioner is that no notice of the Appeal before Respondent no. 3 was given to her. As a result, the Petitioner was constrained to address a letter dated 11th November 2024 to Respondent no. 3 informing him that till date, neither was she served with any notice of hearing nor a copy of the Appeal was provided to

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her. Accordingly, Respondent no. 3 was requested not to proceed with the hearing until papers were provided to the Petitioner and adequate notice was given to her of the said hearing. A perusal of the said letter, which is annexed at Exhibit 'E' to the present Writ Petition, would reveal that the same was received by the office of Respondent no. 3, on 11th November 2024, which fact is evident from the rubber stamp and signature which is appearing on this letter. Notwithstanding this letter, Respondent no. 3 appears to have proceeded to hold a hearing and thereafter passed the impugned order under Section 35 of the Maharashtra Slum Area (Improvement, Clearance and Redevelopment) Act, 1971 (**the Slum Act**) on 13th November 2024. Naturally, the Petitioner was not present or represented at this hearing.

3. Being aggrieved by this order dated 13th November 2024, the Petitioner approached the Grievance Redressal Committee - Respondent no. 2 by filing an Appeal No. 225 of 2024. The matter was finally heard on 21st March 2025, after which the Petitioner also filed written submissions on 3rd April 2025. In these written submissions, the Petitioner has specifically taken a ground to the effect that no notice of the hearing before Respondent no. 3 was afforded to her. She has further asserted that the paper book of the Appeal that was filed by the developer was also not received by her.

4. Despite the said written submissions being considered by Respondent no. 2 in the impugned order, this assertion of the Petitioner

appears to have been completely overlooked, inasmuch as there is no mention of the same in the impugned order that was passed on 30th April 2025. In the circumstances, Respondent no. 2, whilst completely ignoring this vital aspect of notice to the Petitioner, has proceeded to adjudicate the matter on merits and rejected the Appeal that was preferred by the Petitioner.

5. After hearing submissions advanced by the parties today and on going through the record, I am of the view that, considering the fact that the Petitioner was not given notice of the hearing before Respondent no. 3 and which allegation, though raised before Respondent no. 2 has not been dealt in the impugned order dated 30th April 2025. Therefore, both the impugned orders are required to be quashed and set aside and the matter is required to be remitted back to Respondent no. 3 for deciding Appeal No. 1993 of 2024 afresh after affording an adequate opportunity to the Petitioner to remain present and advance her submissions.

6. Accordingly, the following order is passed:

::ORDER::

(i) The Writ Petition is allowed in terms of prayer clause (a) and the impugned orders dated 30th April 2025 passed by Respondent no. 2 and impugned order dated 13th November 2024 passed by Respondent no. 3 are hereby quashed and set aside.

(ii) The Additional Collector and the Appellate Authority – Respondent no. 3 shall hear and decide Appeal No. 1993 of 2024 after giving due notice of such hearing to the Petitioner herein and pass an order thereon, as expeditiously as possible and preferably, on or before 30th April 2026.

7. Writ Petition is disposed of in terms of the above directions with no order as to costs.

(FARHAN P. DUBASH, J.)

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