

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

CHAMBER SUMMONS NO.62 OF 2008  
 IN  
 WRIT PETITION(L) NO.127 OF 2008

The Deputy Collector(Enc/Removal)  
 and Competent Authority, Bandra. ..Petitioner.

V/s.

Shri Baijnath Ramdeo Jaiswar & Ors. ..Respondents.

And

Shri Ganesh Dhobhighat Seva Sangh. ..Applicants.

Mr.L.J.Pandey for Respondent Nos.1 and 2.

Ms.Jyoti Chavan for Respondent Nos.3 and 4.

Mr.G.D.Utangale for S.R.A.

Mr.D.A.Nalawade, G.P. & Ms.A.Calcuttawala, AGP for  
 Petitioner and in support.

**CORAM: A.M.KHANWILKAR,J**

**DATE : FEBRUARY 29, 2008.**

**P.C. :**

1. For the reasons mentioned in the affidavit and the apology tendered by the affiant, as the averments in the main Petition is on account of mistaken belief, the Chamber Summons deserves to be granted in terms of prayer clause (a).

2. Unconditional apology tendered by Mr.Bansi Bhaguji Gawali, Deputy Collector and Competent

Authority(Enc./Removal), Borivali who has filed affidavit dated 20th February, 2008 in support of the Writ Petition is accepted. The said affidavit tendered by the Government Pleader is taken on record, to be made part of the paper book, which is being disposed off by this Order.

3. The Chamber Summons is made absolute in terms of prayer clauses a(i), a(ii) and a(iii). Amendment to be carried out within two weeks from today.

4. It will be open to the Petitioner in Writ Petition(L) No.127 of 2008 to take inspection of the original record received from Maharashtra Slum Area(I.C.& R) Tribunal, so as to take copy of the order passed by the Tribunal dated 4th July, 2005, which will have to be assailed in the Writ Petition to be amended in terms of this Order.

5. Both the Writ Petitions being W.P.No.3049 of 2006 and W.P.(1)No.127 of 2008 be placed on 17th March, 2008 for admission.

6. It is made clear that if amendment is not carried out on or before 14th March, 2008, the subject Petition to stand dismissed for

non-prosecution without further reference to the Court.

7. In addition, the Petitioners as well as SRA to file affidavits in the Registry by Monday, 3rd March, 2008 in terms of the Order dated 20th February, 2008.

(A.M.KHANWILKAR,J)