



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

WRIT PETITION NO. 825 OF 2019

Arun Bantasingh Sauda

... Petitioner

V/s.

Asst. Commissioner S Ward

Mumbai Mahanagarpalika and Ors.

... Respondents

Mr. Sunil J. Kanoujia for the Petitioner

Dr. Dhruti Kapadia a/w. Sachin Vajale i/b. Ms. Komal Punjabi and Ms Pallavi Thakur
for Respondent - BMC

Smt. Fatema Lakdawala, AGP for the Respondent-State.

CORAM : N. J. JAMADAR, J.

DATE : 8th SEPTEMBER, 2026

ORAL ORDER :

1. Heard learned Counsel for the parties.
2. Rule. Rule made returnable forthwith and, with the consent of the parties, heard finally.
3. The challenge in this Petition is to a judgment and order dated 01/03/2018, passed by the Apex Grievance Redressal Committee (AGRC), Mumbai Suburban, in Appeal No. 391 of 2017 and 455 of 2018 whereby the Appeal preferred by the Petitioner against the judgment and order dated 16/12/2017 passed by the Additional Collector and Appellate Authority in Slum Appeal No. 67 of 2017 came to be dismissed by affirming the order passed by the Appellate Authority.
4. The Appellate Authority rejected the Petitioner's claim of independent

eligibility in the slum rehabilitation scheme of Triveni Sangam Co-operative Society Limited (subject SR Scheme). The Appellate Authority was of the view that there was only one structure, in respect of which the benefit of slum rehabilitation was granted to the mother of the Petitioner. In accordance with the governing DCR, if a family was in the occupation of a structure, only one rehabilitation unit was admissible. Since the Petitioner failed to demonstrate that there was an independent hut in the name of the Petitioner and the Petitioner was in the occupation of the said hut since prior to 01/01/2000, the claim of Petitioner for independent eligibility and rehabilitation, came to be rejected.

5. The AGRC found no reason to interfere with the order passed by the Appellate Authority. After an independent appraisal of the material on record, the AGRC found that the Petitioner failed to establish that he was in the occupation of independent structure since prior to 01/01/2000 and the documents pressed into service on behalf of the Petitioner were of the period subsequent to the cut-off date for the purpose of determination of eligibility.

6. The Petitioner has preferred this Petition assailing the legality and correctness of the impugned order on the premise that the authorities have not properly appreciated the documents which were tendered by the Petitioner to substantiate his claim of independent eligibility. The documents were misconstrued.

7. Affidavits-in-reply are filed on behalf of the Respondent No. 1-Municipal Corporation, and Respondent No. 4.

8. I have heard Mr. Sunil Kanoujia, the learned Counsel for the Petitioner, Ms. Dhruti Kapadia, the learned Counsel for Respondent No. 1 and Ms. Fatema Lakadawala, the learned AGP for Respondent No. 4, at some length.

9. The learned counsel for the Petitioner invited the attention of the Court to the survey receipt to bolster up the submission that the survey receipt was issued in the name of the Petitioner. Banking upon the said survey receipt, the electricity bill (Exh-E) and the certificate issued by the electricity connection verification authority, the learned Counsel for the Petitioner submitted that the fact that the Petitioner had an independent structure, apart from the one in respect of which the Petitioner's mother was declared eligible, is borne out by the aforesaid documents.

10. In opposition of this, learned Counsel for the Respondent No. 1 submitted that the Petitioner as well as his mother had relied upon the very same documents to claim independent eligibility. The Petitioner has made an attempt to encroach upon the subject land to buttress the case of existence of another independent structure. The authorities below have arrived at the justifiable findings on the basis of the documents placed on record. Thus, in exercise of the supervisory jurisdiction, this Court need not interfere with the concurrent findings of fact recorded by the authorities.

11. Learned AGP has also supplemented the submissions on behalf of the Respondent No. 1.

12. At the outset, it is necessary to note that, the Appellate Authority, in its order dated 16/12/2017, has recorded that the subject Hut No. 33 came to be transferred to

the Petitioner from his grandfather. The documents which were relied upon by the Petitioner, especially the electricity bills and the verification certificate, were of the year 2017. Though the Hut No. 33 was in existence since prior to 01/01/2000, the mother of the Petitioner was made eligible for the rehabilitation under the Slum Rehabilitation Scheme. It was further noted that, in accordance with the Slum Rehabilitation policy, only one person in the family is entitled to rehabilitation unit.

13. In the impugned order, especially in paragraph 6, the AGRC has adverted to the aforesaid documents and arrived at the conclusion that none of the documents pressed into service by the Petitioner pertained to the period prior to 01/01/2000.

14. The aforesaid findings are essentially findings of fact based on the appreciation of the material produced before the quasi-judicial authorities. The remit of the jurisdiction of this Court under Article 227 of the Constitution of India is well defined. This Court is not expected to review, re-appreciate and reweigh the evidence/material produced before the Courts/Tribunals below and take a different view on the same material. The High Court can interfere with the order passed by the Courts and Tribunals only where it is demonstrated that the impugned order suffers from of a patent illegality or perversity or has been passed in violation of principles of natural justice or fundamental principles of judicial process. In absence of such infirmities in the orders of the Courts/Tribunals below, the High Court would not be justified in exercising the jurisdiction as an Appellate Court would do in disguise of supervisory jurisdiction.

15. A profitable reference in this context can be made to the Constitution Bench judgment of the Supreme Court in the case of **Rajendra Diwan vs. Pradeep Kumar Ranibala and another**¹ :

“85. The power of superintendence conferred by Article 227 is, however, supervisory and not appellate. It is settled law that this power of judicial Superintendence must be exercised sparingly, to keep subordinate courts and tribunals within the limits of their authority. When a Tribunal has acted within its jurisdiction, the High Court does not interfere in exercise of its extraordinary writ jurisdiction unless there is grave miscarriage of justice or flagrant violation of law. Jurisdiction under Article 227 cannot be exercised “in the cloak of an appeal in disguise”.

86. In exercise of its extraordinary power of superintendence and/or judicial review under Articles 226 and 227 of the Constitution of India, the High Courts restrict interference to cases of patent error of law which go to the root of the decision; perversity; arbitrariness and/or unreasonableness; violation of principles of natural justice, lack of jurisdiction and usurpation of powers. The High Court does not re-assess or re-analyze the evidence and/or materials on record. Whether the High Court would exercise its writ jurisdiction to test a decision of the Rent Control Tribunal would depend on the facts and circumstances of the case. The writ jurisdiction of the High Court cannot be converted into an alternative appellate forum, just because there is no other provision of appeal in the eye of law.”

(emphasis supplied)

16. On the aforesaid touchstone, reverting to the facts of the case at hand, the documents placed on record by the Petitioner, prima facie, do not appear to have their provenance prior to 1st January 2000. The fact that survey receipt pertains to the structure, in respect of which a unit has already been allotted to the mother of the Petitioner under the Slum Rehabilitation scheme, is of no avail to the Petitioner as

1 (2019) 20 SCC 143.

under the scheme only one of the family members is entitled to a rehabilitation unit. In the case at hand, the rest of the documents appear to have their origin subsequent to 01/01/2000. The authorities below have, thus, correctly appreciated the import of the documents and arrived at a justifiable finding that the Petitioner failed to establish that he was in possession of an independent structure since prior to 1st January 2000. Thus, in exercise of supervisory jurisdiction, this Court does not find any justifiable reason to interfere with the impugned orders.

17. Hence, the following order :

ORDER

- (i) The Writ Petition stands dismissed.
- (ii) Rule discharged.
- (iii) No costs.

(N. J. JAMADAR, J.)