

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION (ST) NO.3329 OF 2015
IN
WRIT PETITION NO. 10411 OF 2014

Ramakant Rajaram Rajbhar

.. Petitioner

vs.

The Additional Collector,
Ench/Rem Eastern Suburb,
Mumbai Suburban District and ors.

.. Respondents

Mr. S.M. Shah for the Petitioner.

Mr. Bhavik Manek a/w. Ms Kausar Banatwala i/b Mr. Tushar Goradia
for Respondent No.4.

Mr. S.D. Rayrikar, AGP for Respondent Nos.1 and 2.

CORAM : M. S. SONAK, J.

DATE : 23 MARCH, 2015.

P.C. :-

1] Not on board. Upon production, taken on board.

2] Under the garb of this review petition, the petitioner seeks re-hearing of the entire matter. It is well settled position in law that a petition for review is not an appeal in disguise.

3] The learned counsel for the petitioner submits that at paragraph '7' of the order dated 12 January 2015, it is recorded that out of 241 eligible slum dwellers, almost 235 slum dwellers have vacated the site after accepting the compensation in lieu of transit accommodation. The learned counsel points out that by resort to the Right To Information Act, 2005, the petitioner has information that there are almost '60' other slum dwellers at the site.

4] The statement of fact recorded at paragraph '7' of the order dated 12 January 2015, was only one of the reasons taken into consideration by this Court in partially declining relief to the petitioner. The information produced on record, does not lead to any inference that there are 60 peoples at the site. In any case, that by itself would make no difference to the conclusion recorded.

5] The learned counsel for the petitioner thereafter submitted that in the context of an order dated 30 November 2011 in Writ Petition No.8527 of 2011, some statements were made. The learned counsel, however, submits that such statement was misleading. Again, reference to the order dated 30 November 2011, was only one of the reasons for partially not granting reliefs in favour of the petitioner. Besides at the stage of review, it is not possible to accept the submission made by the learned counsel for the petitioner.

6] Finally, the learned counsel for the petitioner submits that the developer has been granted permission to construct the building comprising ground + four storey. However, only a building comprising ground + 1 storey has been constructed. On basis of this, learned counsel for the petitioner contends that there is deliberate avoidance to offer transit accommodation at the site. Once again it is not possible to entertain such a submission at the stage of exercise of review jurisdiction.

7] At the stage, when the petition was disposed of, the contentions had been advanced by the learned counsel for the petitioner in support of his plea that the transit accommodation

ought to be granted and not merely compensation in lieu of transit accommodation. The judgment and order dated 12 January 2015, was made after taking into consideration such submissions.

8] Accordingly, there is no case for review. The Review Petition is dismissed.

9] Parties to act upon an authenticated copy of this order.

(M. S. SONAK, J.)

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