

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****WRIT PETITION NO.2205 OF 2014**

Rehana A. @ Naeem Khan

...Petitioner.

versus

The State of Maharashtra and others

..Respondents.

.....

Mr. Ramesh R. Shinde for the Petitioner.

Mr. D.A. Nalavade, Govt. Pleader for Respondent Nos.1 and 3.

.....

**CORAM : B.R. GAVAI &
A.S. GADKARI, JJ.****17th March, 2015.****P.C. :**

The Petitioner has approached this Court for a declaration that the Petitioner is an eligible candidate as per the scheme of SRA in view of first premise described in the Petition. The Petitioner has also sought a declaration that the eviction notice issued to the Petitioner on 23rd September, 2013 is illegal.

2. The notice which is the subject matter of the challenge in the present Petition has been issued on the basis of the directions issued by this Court in PIL No.49 of 2008 which directs the State Government to evict the persons who were granted temporary accommodation, but have been held to be ineligible.

3. The Petitioner's claim regarding eligibility was first examined by

the Deputy Collector (Encroachment) which was found to be without substance. The same was affirmed by the Divisional Commissioner in appeal. Being aggrieved by the decision of the Divisional Commissioner, the Petitioner approached the learned Single Judge of this Court by way of Writ Petition bearing No.9223 of 2013. The learned Single Judge after considering the entire material placed on record found that no error was committed by the authorities in concurrently holding that the Petitioner was not eligible. Not only that the learned Single Judge also found that the material placed on record by the Petitioner was of a suspicious character.

4. Having failed before the learned Single Judge, the Petitioner has now taken recourse to a novel method of approaching this Court by way of petition before the Division Bench.

5. The learned counsel appearing for the Petitioner submits that the Petitioner ought not to have gone before the learned Single Judge, but ought to have filed a petition before the Division Bench.

6. Having attempted and failed before the learned Single Judge, now the Petitioner wants to say that the Petition was erroneously filed before the learned Single Judge. There is no merit in the submissions. The order is quasi judicial in nature and character. The petition was

rightly filed before the learned Single Judge. However, having failed an attempt before the learned Single Judge, a novel method is adopted by the Petitioner by filing the present Petition.

7. In our considered view, the Petition is nothing else but an abuse of process of law. The Petition though deserves to be dismissed with exemplary costs, we are not inclined to impose the costs in as much as the matter pertains to a slum. The Petition is therefore devoid of any merit and is rejected.

(A.S. Gadkari, J.)

(B.R. Gavai, J.)