

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

WRIT PETITION NO.1599 OF 2015

N.Kamraj Nadar	Petitioner
versus	
State of Maharashtra and others	Respondents

Mr.Vaibhav Karnik for Petitioner.
Mr.Milind More, Additional Govt.Pleader for Respondents 1 and 3.

CORAM : S.C.DHARMADHIKARI AND
B.P.COLABAWALLA, JJ.

DATE : 23 December 2015

PC :

The Petitioner claims to have resided with one Tukaram Palkar. Admittedly he is not a member of the family. The Petitioner claims to have nursed said Tukaram Palkar in his illness and further claims to hold a will of said Tukaram Palkar. Under this will, the Petitioner claims that the said Tukaram Palkar has bequeathed his property namely a hutment to the Petitioner. The Petitioner claims that if any permanent alternate accommodation is allotted against the said hutment, that will also be handed over to the Petitioner. It is claimed that after demise of Tukaram Palkar, Petitioner continued to reside in the permanent alternate accommodation granted to Tukaram Palkar.

It is claimed that after some decades, competent authority under Slum Rahabilitation Act directed the Petitioner to hand over possession of the rehab tenement to Municipal Corporation of Greater Mumbai as the original owner Tukaram Palkar was dead.

2. In these circumstances and when the Petitioner claims that permanent alternate accommodation once allotted cannot be taken away in this manner, then we feel that all such issues and disputes in relation to the right, title and interest in the immovable property cannot be resolved in our limited jurisdiction. The Petitioner must resort to general law. The writ petition is dismissed.

(S.C.DHARMADHIKARI, J.)

(B.P.COLABAWALLA, J.)