

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST) NO.4249/2017

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Pramod G. Kathane for the petitioner
Mrs. Kiran Bhogalia for the Respondent No.5.
Mr. Rohan Sawant, AGP for respondent No.1.

CORAM : K. K. TATED, J.

DATE : JUNE 8, 2017

P.C.:

1. Heard. By this petition under Article 227 of the Constitution of India the Petitioner challenges the order dated 29.07.2016 and 27.06.2016 passed by respondent Nos.1 and 2 respectively holding that the petitioner has failed and neglected to prove his possession and/or ownership of hut structure i.e. Hut No.5A, Chawl NO.1, Dnyaneshwar Nagar, Bharat Nagar Road, near tea stall, opposite Mumbai Bank, Bandra (E), Mumbai – 400051.

2. The learned counsel for the petitioner submits that in the present proceedings, though the petitioner placed on record a photocopy of ration card showing his address of the suit structure, both

the Authorities failed and neglected to consider the same on its merits. Hence, both the orders are liable to be set aside.

3. It is to be noted that in the present proceedings except a copy of ration card issued to the petitioner on 03.12.2014, the petitioner has failed to produce any other document in support of his contention. Apart from that, at the time of survey, the Authority has found that the suit premises was lying vacant for more than a year.

4. Considering these facts and the reasons given by both the Authorities at the time of deciding the petitioner's application, I do not find any reason to interfere with the well reasoned orders.

5. Hence, the Writ Petition stands rejected.

JUDGE