

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (STAMP) NO.26360 OF 2017

Hemant Pandurang Rasal

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

.....

Mr. Ramchandra N. Kachave for the Petitioner.

Mr. S. Babar, AGP for the Respondent -State.

CORAM : SHANTANU KEMKAR &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED : 19th SEPTEMBER, 2017.

P.C.:-

Not on board. Taken on board.

2. Challenging the order dated 15th May, 2015 at Exhibit-D passed by Respondent No.2-Additional District Collector, Bandra, Mumbai, the Petitioner has filed this Petition. By the impugned order while exercising its powers under the Maharashtra Slum Areas (Improvement, clearance and Redevelopment) Act 1971, the Respondent No.2 has observed that the tenement possessed by the Petitioner belongs to his uncle deceased H.D. Rasal and the Petitioner on the basis of affidavit cannot claim right on the said tenement when

the wife of H.D. Rasal is alive and when the Petitioner's name is not there in annexure-II.

3. Having gone through the impugned order we find that findings recorded by the Respondent No.2 and the reason assigned to deny the relief to the Petitioner cannot be said to be illegal or perverse warranting interference in this Petition under Article 226 of the Constitution of India. In the result, the Petition fails and is hereby dismissed.

(ANUJA PRABHUDESSAI, J.)

(SHANTANU KEMKAR, J.)