

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

WRIT PETITION STAMP NO.34400 OF 2015

Mr. Abid Abdula Sirguroh

..Petitioner

Versus

Radabai Dhokhe and others

..Respondents

Mr. Dinesh Kadam for the Petitioner.

Mr. L. S. Deshmukh for the Respondent No.24.

CORAM : R. M. SAVANT, J.

DATE : 17th FEBRUARY, 2017

PC.

1 The writ jurisdiction of this Court is invoked against the order dated 29.11.2015 passed by the Respondent No.26 i.e. Additional Collector (Enc/Rem), Mumbai, by which order, the Appeal filed by the Petitioner came to be dismissed. The Petitioner has also sought the setting aside of the eligibility of the Respondent Nos.1 to 23 which has been shown vide entries made in Annexure-II which has been issued by the Competent Authority i.e. Deputy Collector (Enc/Rem), Dharavi. The said persons have been held to be eligible in respect of a slum rehabilitation scheme which is sought to be executed for Respondent No.24 society which is a society of slum dwellers. The order dated 29.11.2015 has been passed in the Appeal filed by the Petitioner against the order dated 25.02.2015 passed by holding the Respondent Nos.1 to 23 as eligible.

The said Appeal has been dismissed by the Additional Collector on the ground that the eligibility having been determined on the basis of the documents produced on record, the same does not call for interference in the appellate jurisdiction.

2 In so far as the second prayer of the Petitioner is concerned, the Petitioner seeks to setting aside of the entries made against the names of the Respondent Nos.1 to 23 as eligible in Annexure-II. It is required to be noted that the said Annexure-II is prepared by the Competent Authority i.e. Deputy Collector (Enc/Rem), Dharavi, having regard to the cut of date i.e. 01.01.1995 or 01.01.2000 as the case may be on the basis of the documents which are produced before him by the slum dwellers. The Petitioner it seems is not a resident of the slum in question however he seeks to challenge the eligibility of the Respondent Nos.1 to 23 for being entitled to participate in the said scheme. The locus of the Petitioner is therefore questionable. In my view, no case for interference with the impugned order is made out as well as no directions of the nature sought by the Petitioner vide prayer clause (b) can be issued. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]