

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2392 OF 2016**

Dongreshwar Mahadev CHS Ltd.

..Petitioner

Versus

**Additional Collector and Competent
Authority and another**

..Respondents

Mr. Uday Warunjikar a/w Mr. V. M. Bhate for the Petitioner.

Mr. Laxmikant Satelkar, AGP for the Respondent No.1.

Mr. V. D. Patil for the Respondent No.2.

**CORAM : R. M. SAVANT &
SMT. SADHANA S. JADHAV, JJ
DATE : 21st JUNE, 2017**

PC.

1 The reliefs sought by way of the above Petition are inter-alia to the following effect, that a direction be issued to the Respondent No.1 to carry out fresh biometric survey of slum dwellers and that the Respondents be directed to go through the proposal submitted by the Petitioner and sanction the same as the Petitioner is representing 70% of the slum dwellers.

2 The Deputy Collector (Encroachment and Removal) and Competent Authority has now submitted a report dated 13.06.2017 which has been prepared pursuant to the survey which was carried out on 15.03.2016 after notice in that regard was issued on 04.03.2016. The survey carried out was in respect of the slum dwellers who are on the land in question wherein the slum rehabilitation scheme is to be

implemented and was as regards the eligibility of some of the slum dwellers. The Learned Counsel appearing for the Petitioner Mr. Uday Warunjikar in the light of the said report dated 13.06.2017 sought leave to amend the above Petition so as to incorporate a challenge to the said report.

3 In our view considering the reliefs sought in the above Petition as originally filed, the request of the Learned Counsel Mr. Uday Warunjikar for being permitted to amend the Petition cannot be acceded to as otherwise the said exercise would be endless. If the Petitioner has any grievance as regards the said report dated 13.06.2017, it would be open for it to adopt appropriate proceedings including approaching the HPC or the concerned Grievance Redressal Committee (GRC) in respect of which, we are told a notification has already been issued, but the GRC has not started functioning and is likely to start functioning in the near future. If any such challenge is raised by the Petitioner, needless to state that the same would be considered on its own merits and in accordance with law. We leave the contentions of the parties open for being urged at the appropriate time. With the aforesaid directions, the Writ Petition is disposed of.

[SMT. SADHANA S. JADHAV, J]

[R.M.SAVANT, J]