

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

**WRIT PETITION NO. 113 OF 2016
WITH
CHAMBER SUMMONS (L) NO. 432 OF 2016**

Mr. Ganpat Ravji Andherkar. ..Petitioner.
Vs.
Slum Rehabilitation Authority & ors. ..Respondents.

**Mr. B.A. Lawate a/w. Mr. S.D. Inamdar Shinde, for the Petitioner/Applicant
in CHS.**

Mr. V.D. Patil, for the Respondent No. 1 SRA.

Mr. Hemant Haryan, AGP, for Respondent-State.

**CORAM : R. M. SAVANT &
SMT.SADHANA S. JADHAV, JJ
DATE : 5th JULY, 2017**

P.C.

1 The Petitioner herein has invoked the writ jurisdiction of this Court principally against the Slum Rehabilitation Scheme of land bearing C.T.S. No. 330/394 to 417 situated at Village Mogra, Taluka-Andheri, District-Mumbai Suburban. Incidental to the said relief, the Petitioner also claims the relief that the structure of the Petitioner situated on the said plot of land admeasuring 309.2 sq. meters should not be demolished.

2 The Petitioner claims himself to be a tribal and it is his case that

the said land has been allotted to him by a Sanad, which was granted by the State Government. The grievance of the Petitioner therefore, appears to be that the land which has been allotted to the Predecessor of the Petitioner has been sought to be usurped for the implementation of the Slum Rehabilitation Scheme.

3 During the course of the hearing of the above Petition, the learned Counsel for the Petitioner submitted that the Petitioner is also claiming restoration of the land as a tribal under section 36A of the Maharashtra Land Revenue Code. The learned Counsel further submitted that the Petitioner has adopted the proceedings for the said restoration. However, the said proceedings have not been proceeded with by the concerned authority.

4 Insofar as the grievance of the Petitioner in respect of the Slum Rehabilitation Scheme on behalf of the SRA i.e. Respondent No. 1 an affidavit in reply dated 5/1/2017 has been filed, wherein it is stated that the Petitioner's name does not appear in the property card of the land in question. Hence, the SRA questions the claim of the Petitioner as regards the said land. Be that as it may, if the Petitioner has any grievance as regards the implementation of the Slum Rehabilitation Scheme then it is for the Petitioner to approach the High Power Committee constituted for the said purpose.

5 As regards the restoration which the Petitioner is seeking on the ground that he is tribal, according to the learned Counsel for the Petitioner, the Petitioner has already adopted proceedings. In our view, it is in the said proceedings, the said issue would be decided. However, we do not find any mention of such proceedings being filed either in the memo of Writ Petition or the Chamber Summons filed for amendment. Hence, no direction in that regard can be issued by us. However, if such proceedings are filed, needless to state that the same would be decided on its own merits and in accordance with law expeditiously.

6 With the observations as aforesaid, the Writ Petition to accordingly stand disposed of.

7 In view of the disposal of the Writ Petition, there is no warrant to consider the Chamber Summons filed for amendment. Chamber Summons to accordingly stand disposed of.

[SMT.SADHANA S. JADHAV,J]

[R.M.SAVANT, J]