

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

WRIT PETITION (L) NO. 3332 OF 2017

Kevla Shankar Ramjug Shukla

..Petitioner

v/s.

The State of Maharashtra & Ors.

..Respondents

Mr. Ashok Mishra for the Petitioner.

Mr. Mohit Jadhav, AGP for the State-Respondent Nos.1 and 3.

Mr. Ashok Purohit for the Respondent No.2.

Mr. Anil Mishra for the Respondent No.8.

**CORAM : SHANTANU KEMKAR &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED : DECEMBER 06, 2017.**

P.C.

1. This petition is filed for the following reliefs:

“(a) To call the records and proceedings related with the matter from the office of the competent authority the Respondent Nos.1 and 2.

(b) To declare the order dated 06/01/2017 passed by the respondent no.1. And 2 under Maharashtra Slum (I.C. & R.) Act, 1971 against the appellant is illegal, null and void and liable to be set aside.

(c) That this Hon'ble Authority to pass the direction to the Respondents to handover the possession of Pan Shop to the appellant in lawful means.

(d) Pending the hearing and disposal of the appeal, all further proceedings and actions/implementations on the impugned order dated 06/01/2017 be stayed.”

2. The petitioner claims that he was in possession of a pan shop in respondent no.7 society. The grievance of the petitioner is that in the Annexure II prepared by the Additional Collector, the petitioner is held to be non-eligible.

3. The order dated 6th January, 2017 records that the shop Radha Provisional Store was owned by Gulabchand Tiwari and that the petitioner herein was only permitted to conduct business in the said store. The petitioner had not produced any material to show that he had his own independent structure prior to 1st January, 1995.

4. The owner of the said shop is already held to be eligible. The inter se dispute between the petitioner and the original owner

Gulabchand Tiwari cannot be the subject matter of this petition.

There is no merit in the petition.

5. The petition is dismissed.

(ANUJA PRABHUDESSAI, J.)

(SHANTANU KEMKAR, J.)