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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.20901 OF 2018

Sindhu B. Shinde

...Petitioner

V/s.

State of Maharashtra & Ors.

...Respondents

Mr.Santosh Jagtap for the Petitioner.

Ms.Geeta P. Sonawane, A.G.P. for the State – Respondent Nos.1, 3
and 4.

CORAM : R.D. DHANUKA, J.

DATE : 24TH JULY, 2018.

P.C. :-

1. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 3rd May, 2018 passed by the learned Additional Collector (GRC) in Appeal No.115 of 2018.

2. It is an admitted position that the petitioner was married to Mr.Balkrishna Tanaji Shinde, who was allotted a separate alternate accommodation by the authorities under the provisions of the Maharashtra Slum Areas (Improvement, Clearance & Redevelopment) Act, 1971 (for short “the said Act”).The petitioner also applied for a separate accommodation based on the alleged “Deed of Divorce By Mutual Consent” dated 12th May, 1992 between her and the said Mr.Balkrishna Tanaji Shinde. The husband of the

petitioner was allotted flat No.A/8-35 by the authority, whereas the petitioner was allotted flat No.A/7-47 on 25th December, 2006. It is clear that the allotment of flat granted to the petitioner was based on the said alleged Deed of Divorce.

3. The respondent no.2 filed an appeal before the learned Additional Collector. Learned Additional Collector allowed the said appeal. The matter ultimately was heard by the Grievance Redressal Committee under section 35(1-A) of the said Act. The Grievance Redressal Committee directed the learned Additional Collector to take possession of flat No.A/7-47 from the petitioner.

4. Learned counsel for the petitioner submits that there was divorce agreement between the petitioner and her husband. He does not dispute that no decree of divorce was obtained by the petitioner from her husband through a Competent Court. The petitioner and her husband were admittedly Hindu. The Appellate Authority has considered this aspect and has rendered a finding of fact that the parties being Hindu, divorce could not be granted by an agreement but could be granted only by a Competent Court having jurisdiction.

5. Learned counsel for the petitioner did not dispute before this Court that no such divorce was granted by the Competent Court having jurisdiction.

6. The findings of fact rendered by the Grievance Redressal

Committee being not perverse and are in accordance with law, cannot be interfered by this Court in this writ petition filed under Article 227 of the Constitution of India. The petitioner's husband was admittedly allotted another flat under the provisions of the said Act and thus the petitioner being the wife of the said Mr.Balkrishna Tanaji Shinde could not have been allotted additional flat on the premise that there was divorce between the two, based on the alleged agreement dated 12th May, 1992.

7. The petition is devoid of merit and is accordingly dismissed. There shall be no order as to costs.

(R.D. DHANUKA, J.)