

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 10 OF 2018**

Munnavar Sarafatali Sayyed	...Petitioner
<i>Versus</i>	
Deputy Collector (Enc/Rem) & Ors	...Respondents

Mr Hussain A Hasim, *for the Petitioner.*
Mr A Mishra, *AGP for State, Respondents Nos. 1, 3 & 5.*
Mr Karl Tamboly, *i/b Ravi Thankaian, for Respondent No. 2.*
Mr Milind More, *for Respondent No. 6-SRA.*

CORAM: G.S. PATEL, J
DATED: 17th January 2018

PC:-

1. Heard. This is one of the group of Writ Petitions under Article 226 of the Constitution of India. Once again the challenge is to an order dated 20th December 2017 of the Apex Grievance Redressal Committee (“**GRC**”) constituted under the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act 1971 (“**the Slum Act**”) dismissing the Petitioner’s Application No. 100 of 2017. The Petitioner claims that he was wrongly excluded from the Annexure II said to be ineligible for re-accommodation. The approach is a large redevelopment known as New Kalina CHSL and what was once known as Azgar Ali Chawl.

2. Last week, I granted the Petitioner time as an indulgence to produce a compilation. This has been prepared. It is shown to me today. It is now contended that the Petitioner has separate and independent structure and this is shown at Sr. No. 68 of the draft Annexure II prepared by the 2nd Respondent builder and the society. The structure number is shown as T3. At Serial No. 67 is the name of Sayyed Manohar Ali and this, the Petitioner claims, is a reference to him, Munnavar Sarfatali Sayyed. Even assuming that this is so, and of which there is no material, this will not assist the Petitioner for the reasons that follow. The Petitioner next relies on a document dated 19th December 2016 said to reflect his acquisition of an independent structure No. T8 from one Yadav Rajman Sarathi. This is a document at page 16 of the compilation. In the same draft Annexure II on which reliance is also placed the structure at T8 is shown at Serial Nos. 41 and 42 against the name of one Sumitra Lalji Yadav. The Petitioner is unable to explain how his document at page 16 against structure T8 can be reconciled against a claim for structure T3 in the very same Annexure II.

3. The Competent Authority and the GRC both found that in fact the Petitioner has done nothing more than put up a partition in premises that belonged to his brother. It is this that is the basis of his claim. The assertion that the Petitioner bought an independent structure is not substantiated.

4. These disputed questions of fact cannot be resolved in the writ jurisdiction of this Court. There are inconsistencies in the Petitioner's case that render it impossible to find fault with the

impugned order or to exercise the discretion of this Court under Article 226 of the Constitution of India.

5. The Writ Petition is rejected. There will be no order as to costs.

6. The Petitioner is not present in Court. His Advocate states that he has gone to his village. Be that as it may, the Petitioner will deliver vacant possession of the premises to the 2nd Respondent before 5.00 p.m. on 30th January 2018.

(G. S. PATEL, J)