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

WRIT PETITION NO. 1325 OF 2017

Ashokkumar Laxmirajam Nampelli .. Petitioner
Vs.
Mumbai Metro Rail Corporation Ltd. & Ors. .. Respondents

Mr. Chavva N. S. Rama Kumar for the Petitioner.
Mrs. Kiran Bagadia for the Respondent-MMRCL.

CORAM : R. M. SAVANT & K. K. SONAWANE, JJ.
DATE : 24th AUGUST, 2018.

P. C. :

1. The writ jurisdiction of this Court is invoked against the order dated 20.02.2017 passed by the High Power Grievance Redressal Committee dismissing the Appeal filed by the Petitioner. The Petitioner also takes exception to the order dated 18.10.2016 passed by the Floor Level Grievance Redressal Committee by which order the Petitioner's Application for being granted permanent alternate premises in lieu of his premises which is demolished by the Metro Rail Project came to be rejected. The Petitioner also challenges the letter dated 30.08.2016 sent by the Chief Rehabilitation and Resettlement of the Mumbai Metro Rail Corporation Ltd. by which the Petitioner was informed to seek redressal before the Floor Level Grievance Redressal Committee.

2. The Petitioner claims to be affected by the Metro Rail Project and on the said basis the Petitioner seeks his rehabilitation in terms of

Resettlement and Rehabilitation Policy of the said project. For the purposes of rehabilitation and resettlement, a Baseline Socio-Economic Survey was carried out by the implementing agency through one Maple Consortium. The said survey was to identify the structures which were affected by the said Metro Rail-3 for the purposes of rehabilitation and resettlement. The said Maple Consortium carried out the survey between the period November, 2013 to 14.04.2015. In the said survey, the Petitioner's structure which was numbered as ID No. 196 was found to be locked. In view of the application received in respect of locked premises which were found during the survey which were numbering 13, again an inspection of the structures was carried out on 06.11.2015 between 11.00 a.m. to 5.30 p.m. during the said inspection also the Petitioner was not found present in the said structure being ID No. 196 and the structure was found locked. Thereafter, a panchnama was made on 09.11.2015 of the locked structure. It seems that the officers of the Respondent No.1 served the notice of hearing of the Petition on the said day also the Petitioner was not found and the notice was therefore affixed on the structure of the Petitioner bearing ID No. 196. This is insofar as what was revealed during the Baseline Socio-Economic Survey which was carried out through Maple Consortium. The policy in question contemplates certain documents to be produced by a person for being entitled to rehabilitation under the said policy. Insofar as the Petitioner is concerned, he has procured Aadhar Card

on 23.01.2014. However, the Petitioner has not produced any actual proof of residence or ownership of the structure in question. The Petitioner has also procured Ration Card in the year 2013, the same would also not enure to the benefit of the Petitioner to show his continuous residence prior to the said Metro Rail Project-3 being implemented. Insofar as the Electoral Roll is concerned, it is significant to note that in the Voter's ID address of the Petitioner is shown as 68, BDD Chawl No.105, S.S. Amrutwar Marg, Mumbai City -18. Hence, the said address is different than the address of the structure being ID No. 196. The Petitioner seeks to rely upon the Agreement and Affidavit entered into with the person who was purported to be in occupation of the said structure ID No. 196 i.e. the predecessor of the petitioner till the year 2008. The said document would also not aid the Petitioner as no credence can be given to the said document. It is in the aforesaid conspectus of facts that the application of the Petitioner before the Floor Level Grievance Redressal Committee and thereafter before the High Power Grievance Redressal Committee came to be rejected. Both the Committees came to a conclusion that the Petitioner has not shown his continuous occupation of the premises so as to entitle him to the grant of permanent alternate accommodation under the Resettlement and Rehabilitation Policy of the Metro Rail Project-3.

3. On behalf of Respondent No.1, the case of the Petitioner is sought to be questioned on the ground that the Petitioner is seeking to take

disadvantage of a locked structure so as to claim benefit of the policy. In the light of the facts as aforesaid there seems to be merit in the said contention of the Respondent No.1 as the Petitioner has not been able to produce any document predating the year 2013. The reliance placed by the Petitioner on the document which was received under the Right to Information Act from the Tahasildar, Colaba Division is misplaced. In our view, the said document would not further case of the Petitioner as the said information has been granted pursuant to the letter dated 04.01.2017 and the information therefore relates to the year 2017 and is not relating to an anterior point of time so as to nullify the effect of the Baseline Socio-Economic Survey carried out by Maple Consortium. In our view, therefore, no case for interference with the impugned orders in our writ jurisdiction is made out.

4. The Writ Petition is, accordingly, dismissed.

[K. K. SONAWANE, J.]

[R. M. SAVANT, J.]

Arjun
Machhindra
Kadam

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by Arjun
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