

*rrpillai***IN THE HIGH COURT OF JUDICATURE AT BOMBAY****ORDINARY ORIGINAL CIVIL JURISDICTION****WRIT PETITION (L) NO. 1100 OF 2018**

Mr. Balkrishna Ballappa Baikadi

... Petitioner

vs.

Grievance Redressal Committee & Ors.

... Respondents

Mr. Vaibhav V. Ugle for the Petitioner.

Mr. Himanshu Takke, AGP for Respondent nos. 2, 4 and 5.

CORAM : A.K. MENON, J.**DATE : 12th JUNE, 2018****P. C.**

1. By this Writ Petition the petitioner seeks to challenge order dated 25th January, 2018 passed by the Grievance Redressal Committee, Mumbai City under section 35(1A) of Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971. The impugned order at Exhibit G to petition records that record and proceeding of the earlier order dated 19th May, 2017 passed by the Additional Collector and Appellate Authority, Mumbai City were called for which was subject matter of challenge and thereafter submissions of the appellant was heard. The appellant had produced seven documents listed in paragraph 4 of the impugned order. These seven documents were not found to be satisfactory in terms of proof of transfer of hut at the material time.

2. Learned counsel for the petitioner submitted that the impugned order does not take into consideration cogent documentary proof that is submitted in respect of the structure transferred which was valid transfer to him and which he was in

occupation of. The impugned order after considering each of these documents proceeds to record that the document submitted was not sufficient to establish proper transfer. There is nothing to show that any of the documents in question were not considered at the hearing before the impugned order was passed.

3. Even before this Court learned counsel for the petitioner relied upon copy of the Power of Attorney at Exhibit H to the petition which forms basis of the claim and all subsequent documents viz an affidavit appearing as part of Exhibit-H said to be executed on the strength of the said power of attorney. The power of attorney relied upon is incomplete as after clause 14 there is no execution clause and there is nothing on record that a valid power of attorney was executed on the basis of which the affidavit effecting transfer was executed and on which reliance was placed. The counsel for the petitioner submitted that additional documents were to be relied upon during the hearing of the petition for admission such as Exhibit- I, Exhibit-J and Exhibit-K forming part thereof. However none of the documents have been produced before the Grievance Redressal Committee. It is not even the petitioners case that these documents were produced and not considered by the authority.

4. In the circumstances, I find no reason to interfere with the impugned order which does not suffer from any perversity or illegality. The petition therefore fails and accordingly I pass following order :

- (i) Writ Petition dismissed.
- (ii) No order as to costs.

(A.K. MENON, J.)