

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**  
**WRIT PETITION NO. 65 of 2017**

Sudarshan Ramulu Gajalla ....Petitioner  
versus  
The State of Maharashtra and ors. ....Respondents

with

**WRIT PETITION LODGING NO. 1006 of 2015**

Bhaskar Sudarshan Gajalla ....Petitioner  
versus  
The State of Maharashtra and ors. ....Respondents

Mr. S. S. Redekar, advocate for the petitioner.  
None for the petitioner in writ petition lodging No.1006 of 2015.  
Mr. Manish Upadhye, AGP for the State.  
Mr. Vijay D. Patil, advocate for the respondent No.2 in writ petition lodging No.1006 of 2015.  
Mr. Sagar Patil, advocate for the respondent No.3- Municipal Corporation.  
Mr. S. P. Kadam, advocate for the respondent No.5-Developer.  
Mr. Manoj Patil, advocate for the respondent No.6.

**CORAM : RANJIT MORE &  
SMT.ANUJA PRABHUDESSAI, JJ.**

**DATE : 4<sup>th</sup> JUNE, 2018.**

**P. C. :**

1. Heard learned counsel and learned AGP appearing for the respective parties.
2. The petitioners have approached this Court challenging the orders dated 10<sup>th</sup> February, 2015 of the High Power Committee passed in

application Nos.208 of 2014 and 149 of 2014 respectively. By the said orders, the petitioners were held ineligible for permanent alternative accommodations and, therefore, the petitioners are before this Court.

3. The petitioner in writ petition No.65 of 2017 is the father of the petitioner in writ petition lodging No. 1006 of 2015. Initially, the petitioners along with Gangamani Sudharshan Gajjala (ex-wife of the petitioner in writ petition No.65 of 2017 and mother of the petitioner in writ petition lodging No.1006 of 2015) were granted three independent alternative permanent accommodations. On the basis of the complaint filed by the respondent No.6, the SRA came to the conclusion that there was one tenement viz. G-13 which was occupied by all these three persons as on 1<sup>st</sup> January, 1995 and, therefore, they are entitled for one permanent alternative accommodation and, accordingly, entitlement for the balance two permanent alternative accommodations was cancelled. Thereafter on the basis of the order of the Secretary-SRA, the Deputy Collector – SRA, by his order dated 18<sup>th</sup> June, 2014 cancelled the allotment of all three persons. Both the petitioners as well as Gangamani Sudharshan Gajalla(ex-wife of the petitioner in writ petition No.65 of 2017 and mother of the petitioner in writ petition lodging No.1006 of 2015) filed three separate appeals before the High Power Committee. The High Power Committee allowed the appeal filed by

Gangami Sudharshan Gajalla. Consequently, the appeals filed by the present petitioners came to be dismissed.

4. The Secretary, SRA as well as the High Power Committee specifically came to the conclusion that there was one tenement in occupation by both the petitioners as well as by Gangamani Sudarshan Gajalla (ex-wife of the petitioner in writ petition No.65 of 2017 and mother of the petitioner in writ petition lodging No.1006 of 2015) and, therefore, they are entitled for one permanent alternative accommodation. In view of the above facts, we do not find any fault in the said order.

5. Mr. Redekar, learned counsel for the petitioner, submitted that the Secretary, SRA cancelled the eligibility of the ex-wife of the petitioner viz. Gangamani Sudarshan Gajalla and his son – Bhaskar Sudarshan Gajjala and the petitioner was held eligible for permanent alternative accommodation. Now, by the impugned orders, the ex-wife of the petitioner viz. Gangamani Sudarshan Gajalla is held eligible. The facts remain that all three persons viz. both the petitioners and Gangamani Sudarshan Gajalla (ex-wife of the petitioner in writ petition No.65 of 2017) are eligible for one tenement and the same is granted to the ex-wife of the petitioner in writ No.65 of 2017. If there is a dispute

between the petitioner in writ petition No.65 of 2017 and his wife, the remedy of the petitioner would be to approach the appropriate forum. We, however, in exercise of writ jurisdiction conferred upon this Court under Article 226 of the Constitution of India, are not inclined to entertain the petitions. The writ petitions are, accordingly, dismissed.

**[SMT.ANUJA PRABHUDESSAI, J.]**

**[RANJIT MORE, J.]**