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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 7319 OF 2019**

Ragini Panuvel Pawar

.....Petitioner

V/s.

The State of Maharashtra through
Addl. Collector and another

.....Respondents

Advocate Indrayani M. Koparkar for the Petitioner
Mr. S. L. Babar AGP for the State**CORAM : NITIN W. SAMBRE, J.****DATE : JULY 8, 2019.****P.C.**

Heard.

2 An Appeal against the order of the Deputy Collector Enforcement, declaring petitioner ineligible for inclusion of her name in Annexure 2 was confirmed by the Additional Collector in exercise of powers under Section 35 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971. As such, this petition.

3 The submissions are, the petitioner was residing alongwith her three brothers in the encroached illegal structure, at the relevant time i.e. before 1st January 2000. According to the learned counsel for the petitioner, when survey was carried out so as to identify the structure and the occupants, the petitioner for short time left for her native place because of her ill health. Relying on various documents such as Aadhar card, birth certificate, election ID and school related documents of the children, it is sought to be established that the petitioner was one of the encroacher and as such she was entitled for inclusion her name in Annexure as beneficiary in the SRA Scheme.

4 The learned AGP appearing for respondent opposed the contention and supports the order impugned.

5 Apart from concurrent finding of facts recorded against the petitioner, the Authority has rightly observed that the petitioner at the relevant time has not raised any objection to the provisional list

of the beneficiaries whose names were included in the Annexure 2.

6 Apart from above even in the survey also, the alleged illegal structure which was claimed to have been occupied, was also not noticed by the authorities. In the aforesaid background, both the orders passed by the Authorities below can hardly be faulted with. Petition lacks merit, dismissed.

[NITIN W. SAMBRE, J.]