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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 6991 OF 2019**

Mr. Hanif Mistry (Legal Heir of Decd.Petitioner
Smt. Jainanai Jivan Mistry)

V/s.

The Apex Grievance RedressalRespondents
Committee, Bandra and others

Mr. Vinod S. Pandey i/b Mr. S. U Pandey for the Petitioner
Mr. Girish Utangale a/w Mr. Chetan Mhatre i/b Utangale & Co. for
respondent no. 2
Mr. P. P. Pujari AGP for the State
Mr. Rishi N. Mishra a/w Mr. Ankit S. Dubey for respondent no. 5

CORAM : NITIN W. SAMBRE, J.

DATE : JULY 5, 2019.

P.C.

Heard. The submissions are, re-habilitation ordered by Slum
Rehabilitation Authority ('SRA' for short) of the petitioner is in a
building which has no completion certificate.

2 Reliance is placed on communication issued by Public

Information Officer of the Corporation dated 17/01/2019.

3 The aforesaid contention is disputed by the learned counsel for respondent no. 5-builder who submits that completion certificate is very much issued by the respondent-SRA.

4 The learned counsel for respondent-SRA and also for respondent no. 5 would invite attention of this Court to communication dated 03/11/2018 wherein a report was submitted that building in question where I am informed that the petitioner is already rehabilitated, is having all the necessary civic amenities viz. Water connection, water meter, lift and drainage line are provided.

5 The communication to above effect relied by the respondent is later in point of time, issued on 03/11/2018, than the one which is relied upon by the petitioner so as to demonstrate incomplete development structure wherein petitioner is rehabilitated.

6 Petitioner has also orally relied upon 2019 communication

issued by the corporation authorities so as to demonstrate that there is no permission granted to respondent no. 5 to connect the drainage outflow of the building in question where the petitioner is rehabilitated.

7 The said contention even if appreciated at this stage, cannot be relied upon to grant relief to the petitioner for the reason that same involves disputed question of fact. Once the SRA who is planning authority for building in question has certified that all the necessary amenities are provided, this Court is not required to look into the aspect as to whether permission is granted by the Corporation or not. That being so, no case for interference is made out. Petition fails, dismissed.

[NITIN W. SAMBRE, J.]