

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***ORDINARY ORIGINAL CIVIL JURISDICTION*****WRIT PETITION NO. 1837 OF 2018****Dongreshwar Mahadev CHSL (Prop) & Anr. Petitioners****VERSUS****Dy. Collector & Competent Authority & Ors. Respondents**

Mr.Vishwajeet S. Kapse for the Petitioners.

Mr.Himanshu Takke, A.G.P. for the State – Respondent nos. 1 and 6.

Mr.Vijay Dinkarrao Patil for the Respondent no.2.

Mr.Cherag Balsara, a/w. Mr.Vishal Kumar Kothari for the Respondent no.3 – Society.

Mr.N.V.Walawalkar, Senior Advocate, a/w. Mr.E.K.Sasidharan for the Respondent no.4.

CORAM : R.D. DHANUKA, J.**DATE : 1st OCTOBER, 2019****P.C.**

By this petition filed under Article 226 of the Constitution of India, the petitioners have prayed for writ of certiorari for quashing and setting aside the order dated 3rd January,2018 passed by the Apex Grievances Redressal Committee in Appeal bearing (L) No. 1 of 2017 dismissing the appeal filed by the petitioners.

2. The petitioners had made a proposal on 23rd February,2007 with the Chief Executive Officer, Slum Rehabilitation Authority proposing a Slum Rehabilitation Scheme on the property having plot bearing C.T.S.Nos. 1376, 1377, 1378, 1379 and 1380 of Malad Village,

Goregaon (W), Mumbai 400 062. The said proposal was pending for several years. No steps were taken by the petitioners in furtherance of the said application dated 23rd February, 2007. There was no acquisition of the said property as on the date of making the said application. In the meanwhile, the respondent no.3 society was registered and entered into an agreement with the respondent no.4. Various proceedings were filed before the High Power Committee. The High Power Committee rendered a finding that the respondent no.3 society should be given a preference as against the petitioners. The said finding rendered by the High Power Committee has not been impugned by the petitioners and attained finality.

3. In the meanwhile, in view of the permission granted in favour of the respondent no.4 by the authority, the developer has carried out substantial part of the construction.

4. Mr.Walawalkar, learned senior counsel for the developer tendered a copy of the photograph which clearly indicates that substantial part of multi storeyed tower is already completed by the developer on the plot in question.

5. Mr.Kapse, learned counsel for the petitioner does not dispute that the petitioner no.1 society is not registered. Considering these facts, the High Power Committee rightly rendered a finding that the priority shall be given to the respondent no.3. The construction is going on for last more than one year on the plot in question.

6. The respondent no.3 Committee after considering all these aspects in great detail has passed the impugned order rejecting the

appeal preferred by the petitioner. The findings of fact rendered by the respondent no.3 being not perverse, cannot be interfered with by this court in this writ petition. Even otherwise in view of the fact that the substantial construction has already been completed by the respondent no.4 developer on the plot in question, no interference is warranted by this court in this writ petition filed under Article 226 of the Constitution of India.

7. Writ petition is misconceived and is accordingly dismissed. No order as to costs.

[R.D.DHANUKA, J.]