

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 2579 OF 2019

Lognath Subramaniam Naidu

..... Petitioner

VERSUS

The State of Maharashtra & Ors.

..... Respondents

Mr.Vaibhav V. Ugle for the Petitioner.

Mr.Manish Upadhye, A.G.P. for the State.

Mr.Jayesh R. Vyas, a/w. Mr.Paras Gosar for the Respondent no.8.

CORAM : R.D. DHANUKA, J.

DATE : 13th SEPTEMBER, 2019

P.C.

By this petition filed under Article 226 of the Constitution of India, the petitioner has impugned the order dated 30th August,2019 passed by the respondent no.4 i.e. Grievance Redressal Committee rejecting the appeal filed by the petitioner against the order passed by the Additional Collector dated 24th October,2018 in Appeal No. 354 of 2016.

2. It is the case of the petitioner that he was the occupant of Room No.27, Ground Floor, Jaibhavani Nagar, Sakpal Marg, Dhobighat, Jacob Circle, Mumbai – 400 011 by virtue of an alleged agreement dated 19th August,1996 entered into between the petitioner and Mr.Bhairu Khandu Karpe.

3. On the other hand, the record produced before the authorities

below indicate that the petitioner was staying with his father in Room No.33 and his name was shown as one of the family member in the record in respect of the said Room No.33.

4. The record further indicates that insofar as the Room No.27 is concerned, the petitioner could not produce any proof of occupation in respect of the said room except the alleged sale deed dated 19th August,1996. The record further indicates that in respect of Room No.27, there was another occupant who has been already held eligible in the Annexure II prepared by the authority. Though this court repeatedly called upon the learned counsel for the petitioner even to show a single proof showing the alleged possession of the petitioner in respect of Room No.27 when Annexure II was prepared, learned counsel could not produce any document.

5. Learned counsel for the petitioner however placed reliance on the ration card and also the electricity bill and would submit that those bills which are of 2015 would indicate the possession of the petitioner in respect of Room No.27.

6. The petitioner had applied before SRA for getting eligibility and for inclusion of his name in Index II only on 21st August, 2015. It is not possible to accept the submission of the learned counsel for the petitioner that though the petitioner had allegedly purchased Room No.27 in the year 1996, he did not have any document to show his possession till 2015.

7. Both the courts below have considered the documents produced by the petitioner and has held that the petitioner is not eligible.

8. I do not find any infirmity in the order passed by the authorities below.

9. Out of 72 occupants who are occupying different tenaments, 71 occupants have already vacated. No case is made out for interference with the impugned order.

10. Writ petition is devoid of merits and is accordingly dismissed. No order as to costs.

[R.D.DHANUKA, J.]