

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.521 OF 2020

Smt.Bindu @ Devi Rajbhar ..Petitioner
V/s.
The State of Maharashtra & Anr. ..Respondents

Mr.B.P. Shukla for the Petitioner.

Ms.M.S. Bane, AGP for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 21st JANUARY 2020

PC.

1. The learned counsel for the petitioner seeks leave to amend the title clause by inclusion of the challenge to the impugned order under Article 227 of the Constitution of India. Leave granted. Necessary amendment to be carried out forthwith.

2. The challenge in this petition is to the notice dated 31st December 2019 by which the petitioner has been directed to vacate the Tenement No.611 in Building No.DR/2 which was allotted to the petitioner on 15th May 2006.

3. It appears that the construction of the said tenement was found to be affected by the road widening project of N.S. Phadke Road. It further appears that there was a PIL being PIL No.49 of 2008 which was filed before this Court and Division Bench of this Court disposed of the said PIL on 08th July 2010 directing that the eligibility of the affected persons shall be redetermined and the annexures-II shall be redrawn within a period of six months. There was a further direction that action for removal of the encroachment shall be taken against the persons who have been found to be ineligible, within three months. A perusal of the impugned notice dated 31st December 2019 shows that the eligibility of the petitioner was reconsidered and by an order dated 20th April 2011 as per ID No.409 the petitioner was held to be ineligible. The petitioner challenged the same before this Court in Writ Petition No.5914 of 2013 which was disposed of by this Court on 26th September 2013 directing the Competent Authority to reconsider the petitioners' eligibility claim after considering the document and granting an opportunity of hearing. After this order was passed the Competent Authority again held the petitioner to be ineligible by an order dated 06th January 2014.

4. The learned counsel for the petitioner points out that the said order is subject matter of challenge before the Grievance Redressal Committee ('GRC' for short) which challenge was filed in the year 2017 i.e. after a period of three years.

5. It is submitted by the learned counsel for the petitioner that the Competent Authority has not properly considered the documents produced by the petitioner on which his claim of eligibility is based and therefore he seeks to challenge the impugned notice by which he has been asked to vacate the said premises.

6. I have considered the submissions made. As noticed earlier, there is an order of Division Bench of this Court in PIL No.49 of 2008 passed as far back as on 08th July 2010 by which there was a direction to decide the eligibility of all the affected and at the same time to take action against those who have been found to persons be ineligible, within three months. After that twice the petitioner has been held to be ineligible. The last mentioned order by which the petitioner has been found to be ineligible, is passed way back on 06th January 2014. In the circumstances, no case for grant of any relief is made out, as the project cannot be withheld, and particularly in the face of the order passed by the Division Bench in PIL No.49 of

2008 on 08th July 2010. In such circumstance, I decline the petition which is accordingly dismissed, with no order as to costs.

C.V. BHADANG, J.

**Nilam
Kamble**

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Kamble
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