

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

WRIT PETITION NO. 2133 OF 2020

Mr.Harischandra Revanu Kamble

..Petitioner

V/s.

The State of Maharashtra
Through Additional Collector,
Mumbai City, Chairman & Grievance
Redressal Committee & Ors.

..Respondents

Ms.Ratna R. Jaiswal for the Petitioner.

Mr.A.B. Kadam, AGP for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 04th MARCH 2020

P.C.

1. The challenge in this petition is to the order dated 21st November 2019 passed by the respondent No.1 in Appeal No.290 of 2019.

2. By the impugned order the respondent No.1-Grievance Redressal Committee has dismissed the appeal filed by the petitioner under Section 35(1A) of the Maharashtra Slum Areas (Improvement, Clearing and Redevelopment) Act, 1971.

3. Indisputably the Annexure-II in respect of the Slum Rehabilitation Scheme was finalized in the year 2008 in which the father of the petitioner (Since deceased) is held to be eligible at Serial No.1035 in respect of the hut No.1033. The case made out by the petitioner is that there were two structures existing on the site and at the time the survey was conducted the petitioner had gone to his native place and therefore the fact about the two structures which were in existence could not be brought to the notice of the surveyor. For this purpose the petitioner has placed reliance on the photo-pass which is standing in the name of the grand father in order to contend that the grand father of the petitioner was residing in the said hut since prior the year 2000.

4. The contention in my considered view cannot be accepted and that too at this distance of time. The petitioner did not challenge the Annexure-II which was finalized in the year 2008. It was only in the year 2016 that the petitioner had made an application for correction of the Annexure-II to incorporate his name in the Annexure-II which application has been concurrently rejected by the authorities below.

5. I have gone through the impugned orders passed and I do not find that they suffer from any infirmity, so as to require interference. The respondent No.1 has observed and rightly so that in the same structures different persons can have different identity proofs electricity bills and election cards etc.

6. It is contented that except the electricity bills the other documents submitted by the petitioner have not been considered by the authorities below. Even assuming this to be no the photo-pass does not mention any hut number. The Grievance Redressal Committee has found as a matter of fact that at the time of the survey there was only one structure standing in respect of which the father of the petitioner has already been held to be eligible. The petition is without any merits and it is accordingly dismissed, with no order as to costs.

C.V. BHADANG, J.

**Nilam
Kamble** Digitally signed
by Nilam Kamble
Date: 2020.03.04
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