

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5697 OF 2019

Lilavati Chaudhari Yadav ... Petitioner
Vs.
State of Maharashtra and others ... Respondents

Mr. Vasant R. Kadam for Petitioner.
Mr. C. D. Mali, AGP for Respondent Nos.1 to 4-State.

CORAM : UJJAL BHUYAN, J.
DATE : JANUARY 03, 2020

P.C. :

Heard learned counsel for the parties.

2. Petitioner's claim to rehabilitation as an eligible slum-dweller was rejected by the Competent Authority vide order dated 29.02.2016. Appeal filed was rejected by the Appellate Authority on 10.03.2017. Further appeal filed under Section 35 (1-A) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 was rejected by the Grievance Redressal Committee, Mumbai Suburban on 19.07.2018.

3. A perusal of order dated 19.07.2018 would go to show that Grievance Redressal Committee has taken the view that petitioner is not entitled to independent residential tenement when her husband is also claiming residential rehabilitation in the same scheme. It is stated that husband and wife are entitled to single residential rehabilitation; husband's claim was remanded for re-verification and re-decision to the Competent Authority.

4. Learned counsel for the petitioner submits that husband of the petitioner Surajbali Chaudhary Yadav had expired on 15.07.2007 and the reference to the husband was in fact reference to the son of the

petitioner. Husband was provided commercial rehabilitation. Therefore, it is not correct that both wife and husband are seeking independent residential rehabilitation. That apart, when the claim of the son to residential rehabilitation was remanded to the Competent Authority for re-verification and re-decision, petitioner's case ought to have been similarly remanded back to the Competent Authority.

5. Mr. Mali, learned AGP submits that though there is concurrent finding of fact by the authorities below, he would not object to re-verification of the claim of the petitioner.

6. Submissions made have been considered.

7. After hearing learned counsel for the parties and on due consideration, Court is of the view that case of the petitioner is required to be re-verified by the Competent Authority whereafter a fresh decision may be taken in accordance with law.

8. Consequently, orders passed by the authorities below on 29.02.2016, 10.03.2017 and 19.07.2018 *qua* the petitioner are set aside. Claim of the petitioner to residential rehabilitation in the scheme in question is remanded back to the Competent Authority i.e., respondent No.4 for re-verification and for taking a fresh decision in accordance with law. Let the re-verification be carried out and fresh decision be taken within a period of 3 months from today.

9. Writ petition is accordingly disposed of.

(UJJAL BHUYAN, J.)