

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**VAISHALI
ANIL
TIKAM****CIVIL APPELLATE JURISDICTION
WRIT PETITION No. 3804 OF 2022**

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Mrs.Nirupaben Nalinbhai Patel**...Petitioner****Vs.****The State of Maharashtra and Ors.****...Respondents**

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Mr. Amardeep Pal for Petitioner**Mrs. Madhubala Kajle, 'B' Panel for Respondent Nos. 1
to 4.****Coram : Sandeep K. Shinde, J.****Dated: 14th September, 2022.****P.C. :**

1. Petitioner is the wife of Nalinbhai Patel. She, alleged that her husband deserted her and thus she is living separately. Her case is that husband was held eligible for cost free residential accommodation, in the Slum Rehabilitation Scheme, known as 'Vighnar SRA Cooperative Housing Society' implemented on CTS No. 255, Vighnar Society SRA Project, Vikhroli (E), Mumbai 400 083 but she has been excluded from the Scheme. As such she claimed allotment of another cost free accommodation. Petitioner's claim for independent residential rehabilitation

accommodation, has been rejected Additional Collector (E & R) in Appeal under Section 35(1A) of the Maharashtra Slums Act, 1971. The Grievance Redressal Committee vide order dated 5th December, 2019 upheld the order of Additional Collector. The correctness of that order is questioned in this petition.

Be it noted that the provisions of clause (III) of Appendix-IV of D.C.R. 33(10) declares, husband and wife as 'one family', entitled to one residential eligibility. Thus, once Petitioner's husband has been held eligible, and allotted, accommodation, she cannot claim eligibility in any Scheme under the Act. In that view of the matter, petition deserves no consideration. Petition is dismissed.

(Sandeep K. Shinde, J.)