

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5567 OF 2022

Smt. Sulochana Balkrishna Jadhav

...Petitioner

Versus

Additional Collector (E/R) &
Appellate Authority-City & Ors.

...Respondents

...

Mr. Prashant P Kulkarni for Petitioner.

Mr. C.D. Mali, AGP for Respondent Nos.1 and 6-State.

Mr. Rahul B. Vijaymane for Respondent No.5.

...

CORAM: SANDEEP V. MARNE, J.

DATE : 21st FEBRUARY, 2023.

P.C.:

1 By this Petition Petitioner assails order dated 18th January, 2020 passed by the Grievances Redressal Committee (Mumbai City) in Appeal No.170 of 2018.

2 Petitioner's husband appears to be in occupation of the concerned structure. After his death, Petitioner, her son (Respondent No.5) and daughter-in-law (Respondent No.2) claimed to be occupants of the structure for the purpose of inclusion of their names in Annexure-II. During the course of survey the daughter-in-law (Respondent No.2) was found to be in

possession of the structure and her name came to be included in Annexure-II. Aggrieved by inclusion of name of Respondent No.2 in the Annexure II, husband (Respondent No.5) filed Appeal No.133 of 2016 before the Additional Collector (E/R). The mother (Petitioner) filed Application for intervention claiming rights in the structure before the Additional Collector. The Appeal came to be rejected by the Additional Collector by order dated 4th June, 2018. In that Appeal, Petitioner was impleaded as Respondent No.5. By the order impugned in the present Petition, the Appeal has been rejected by the Grievance Redressal Committee.

3 Respondent No.5 who filed proceedings before the Additional Collector and before the Grievance Redressal Committee has not challenged the order of the Committee and it appears that he is satisfied with that order. Petitioner, who was merely an Intervener before the Additional Collector and had intervened as Respondent No.5 in Appeal No.133 of 2016 filed before the Additional Collector. She did not challenge the order of the Additional Collector by filing her own independent Appeal before the Grievance Redressal Committee.

4 Though Petitioner had not independently challenged the order of the Additional Collector, she was heard extensively by the Grievance Redressal

Committee while deciding the Appeal preferred by Respondent No.5. All contentions raised by Petitioner are recorded and dealt with by the Grievance Redressal Committee while passing the impugned order dated 18th January 2020.

5 The learned Counsel appearing for the Petitioner submits that the Grievance Redressal Committee has failed to decide the Intervention Application filed by Petitioner. This submission in my view is stated only to be rejected. Petitioner did not file any intervention Application before the Grievance Redressal Committee. There was no reason to her to file Intervention Application as she was already impleaded as Respondent No.5 in Appeal No.170 of 2018. The Intervention Application was filed by the Petitioner before the Additional Collector. On the basis of her intervention Application the Additional Collector heard her while passing the order dated 4th June 2018. In his order, the Additional Collector took note of the pleading of Petitioner that due to illness, she had shifted to her native village in Kokan in the year 2001 itself.

6 Petitioner is not an Appellant in Appeal No.133 of 2016. Though the order of the Additional Collector dated 4th June 2018 was against her, she

failed to file her independent Appeal challenging the order of the Additional Collector before the Grievance Redressal Committee. In Appeal filed by Respondent No.5, Petitioner cannot lay claim to her rights. Respondent No.5 who had filed Appeal No.170 of 2018 has chosen not to challenge the order of the Grievance Redressal Committee.

7 Even otherwise Petitioner has admitted the factum of she leaving for her native place in the year 2001 itself. The survey was conducted in the year 2012 then Respondent No.2 was found in possession of the structure. In that view of the matter, even on merits, it cannot be stated that the order passed by the Grievance Redressal Committee suffers from any error. The Petition is devoid of merits. It is dismissed. No order as to costs.

(SANDEEP V. MARNE, J.)

Digitally signed
by
SUDARSHAN
RAJALINGAM
KATKAM
Date:
2023.02.22
15:48:35 +0530