

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13971 OF 2022

Asha Ashok Gaikwad

...PETITIONER

V/S

The Grievance Redressal

Committee, Mumbai Suburban & Ors.

...RESPONDENTS

...

Mr. Nitesh S. Acharya with Ms. Supriya Ghadge for the Petitioner.

Mr. A.P. Vanarse, AGP for Respondent/State.

...

CORAM: SANDEEP V. MARNE, J.

DATE : DECEMBER 05, 2023.

P.C.:

1 The challenge in the present Petition is to the order dated 16 January 2020 passed by the Grievance Redressal Committee, order dated 11 June 2018 passed by the Additional Collector and order dated 16 March 2016 passed by the Deputy Collector. All the three authorities have held Petitioner to be ineligible.

2 Perusal of the order dated 16 January 2020 passed by the Grievance Redressal Committee (**GRC**) would show that the GRC has proceeded on a factually erroneous basis that Maroti Gangaram Pawar is Petitioner's father. It is Petitioner's case that Maroti Gangaram Pawar is her cousin. It is also Petitioner's case that she was residing alongwith her cousin Maroti Gangaram Pawar in structure bearing No.T-11 at the time

of preparation of voter list of the year 1995. It is Petitioner's case that at that time another cousin Shankar Gangaram Pawar was residing in a separate structure bearing No.T-11-A. It is thus Petitioner's case that structure Nos.T-11 and T-11-A are two separate and distinct structures. Petitioner claims that she has purchased the structure No.T-11-A vide agreement of assignment dated 17 January 2002 from Shankar Gangaram Pawar. The GRC has proceeded to ignore the voter list of the year 1995 by placing reliance on the voter ID card issued by Election Commissioner in the name of Shankar Gangaram Pawar reflecting the address as 'G-8, Mohammed Jamal Chawl'. The GRC ought to have determined the issue as to whether structure Nos.T-11 and T-11-A are distinct structures or not. The GRC appears to have presumed that Shankar Gangaram Pawar was Petitioner's father with whom she was residing in structure No.T-11. It has apparently not taken into consideration the fact that Petitioner has purchased structure No.T-11-A from Shankar Gangaram Pawar who was shown to be occupying structure No.T-11-A during preparation of voters list 1995. It also appears that there is a separate survey receipt in the name of Shankar Gangaram Pawar, which according to the Petitioner, is in respect of the structure No.T11A. In my view therefore, the issue needs to be considered afresh by the GRC.

3 Accordingly, the Petition is disposed of by setting aside the order dated 16 January 2022 passed by the GRC, Mumbai Suburban. Appeal No.1108 of 2018 filed by the Petitioner is restored on the file of GRC who

shall proceed to decide the same afresh, uninfluenced by any of the observations made in the present order.

4 The Appellant shall bring the order to the notice of GRC within one week from today and obtain further directions.

5 With the above directions, the Writ Petition is disposed.

(SANDEEP V. MARNE, J.)