

Shabnoor

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

WRIT PETITION NO.3869 OF 2024

Arvind Viraji Gala ... Petitioner
V/s.
Chief Executive Officer Slum
Rehabilitation Authority & Ors ... Respondents

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Mr. Arun Panickar, for Petitioner.

Mr. Vijay D. Patil, for Respondent Nos.1 & 2.

Mr. Prashant P. Kulkarni a/w Ms. Rachna Mamnani, for
Respondent No.3.

Mr. Hamid D. Mulla, AGP for State.

CORAM : AMIT BORKAR, J.

DATED : MARCH 20, 2024

P.C.:

1. The petitioner is challenging an order passed by the Apex Grievance Redressal Committee Slum Rehabilitation Authority dismissing the petitioner's Appeal challenging an order passed under Section 33 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971.

2. Respondent No.3 filed an application before the Competent Authority under the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 for eviction of petitioner. According to respondent No.3, the property in dispute i.e. Gala

No.G-3 is occupied by the petitioner (unauthorised occupied). The Annexure – II, Gala No.G-3 is in the name of Smt. Kalavati Anandrao Dulup through whom respondent No.3 is claiming his rights. The Competent Authority under the Act recorded a finding that the Annexure – II indicates name of Smt. Kalavati Dulup. The petitioner's name is not included in the Annexure – II and, therefore, status of petitioner is that of unauthorised occupant. The Competent Authority, therefore, exercised power under Section 33 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971.

3. The said order was subject matter of challenge before the Apex Grievance Redressal Committee. The Apex Grievance Redressal Committee by the impugned order confirmed the finding of Authority under Section 33 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 observing that the petitioner's name is not reflected in certificate Annexure – II whereas name of respondent No.3's mother is reflected as eligible in the subject premises.

4. The petitioner claims right, title, interest based on sale deed executed by one Ashok Pakhre. Once, the property in question indicates name of respondent No.3's mother in the certificate Annexure – 2, only the eligible occupier or legal representatives of eligible person are entitled to occupy premises governing provisions by the said Act. Hence, the Authorities under the Act rightly rejected under Section 33 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971. In absence of right to occupy the premises governed by the provisions

of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, no case for interference in writ jurisdiction is made out.

5. The writ petition is, therefore, dismissed.

(AMIT BORKAR, J.)