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

WRIT PETITION NO.274 OF 2024

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Amit Karim Shaikh & Ors. ... Petitioners

V/s.

The State of Maharashtra & Ors. ... Respondents

Mr. Sameer Mhatre for the petitioners.

Mr. Y.D. Patil, AGP for respondent No.1 to 5/State.

Mr. Ashwin S. Tripathi for respondent No.7.

CORAM : AMIT BORKAR, J.

DATED : APRIL 10, 2024

PC.:

1. The petitioners are challenging order passed by the Appellate Authority under the provisions of the Maharashtra Slum Areas (Improvement, Clearance & Redevelopment) Act, 1971 thereby directing the petitioners to obtain legal heirship certificate and permitting petitioners to approached the concerned Authority to add their names in place of deceased eligible beneficiary.

2. It is undisputed that the predecessor of the petitioners along with respondent No.7 were occupying the property in dispute. However, there is dispute amongst the legal representatives of the predecessor of the petitioners. Therefore, the Authorities under the Act directed legal representatives to obtain a declaration in the

form of legal heirship certificate from the Competent Authority and place such declaration before the Authority to add their names as eligible persons.

3. According to respondent No.7, the petitioners are not legal representatives of his predecessor-in-title who was occupying the property in dispute. However, such issue will have to be decided either by the Civil Court or the Competent Authority.

4. In my opinion, the dispute is essentially amongst the legal representatives of the predecessor of the petitioners, unless such declaration recognizing their rights as legal representatives is granted, no individual legal representative of the petitioner can claim right in relation to the extent of property held by the predecessor of the petitioners. Hence, subject to the decision of S.C. Suit No.753 of 2023 and the legal heirship certificate granted by the Competent Authority, there is no interference necessary.

5. Hence, in case the petitioners obtain a legal heirship certificate or gets a decree of declaration, whichever is earlier, the Competent Authority shall pass appropriate orders in relation to the petitioners' application.

6. With this clarification, the writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)