

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

WRIT PETITION NO. 714 OF 2024

Prashant Waman Bhoir	...Petitioner
Versus	
Grievance Redressal Committee, Mumbai Suburban, Mumbai And Ors.	...Respondents

Ms. Archana D. Gaikwad, for the Petitioner.

Mr. Y. D. Patil, A.G.P for the Respondent Nos.1 to 3 – State.

CORAM	:	AVINASH G. GHAROTE, J.
DATE	:	3rd JULY 2024

P.C.:

1. The petition questions the order dated 19.11.2019 passed by the Competent Authority SRA/Respondent No.3 (Page-87) to the extent that in the operative order vide para-2, in respect of properties 21 & 22 in Chandranagar SRA Co-operative Housing Society, since there are contrary claims by the petitioner claiming under a Transfer Deed dated 28.04.1997 claimed to be executed by the father Waman Govindrao Bhoir in his favour, as against which the respondent No.4 is claiming right on the basis of a Will dated 27.07.1997 claimed to have been executed by Waman Govindrao Bhoir in terms of the Circular dated

06.06.2015, the petitioner has been asked to produce a probate or a succession certificate to demonstrate his eligibility in respect of the above properties. The appeal under Section 35(1) against this order filed by the petitioner has been dismissed by the First Appellate Authority by order dated 21.06.2021 (Page- 121) and the Second Appeal under Section 35(1)(A) to the Grievance Redressal Committee (GRC) has also been dismissed by the judgment dated 28.07.2023 (Page- 22).

2. The learned counsel for the petitioner submits that since the eligibility of the petitioner has been accepted on account of the survey being carried out by the SRA, which is reflected from the document dated 22.07.2000 (Page-29), the question of asking the petitioner to submit a succession certificate would not arise.

3. It is not in dispute, that the person in possession of the properties 21 & 22 at Chandranagar SRA Co-operative Housing Society was Waman Govindrao Bhoir. The petitioner claims under the Transfer Deed dated 28.04.1997 claimed to have been executed in his favour by his father, as against which the respondent No.4 claims entitlement to the same property on the basis of the Annexure-II dated 03.11.1999. The impugned orders

are correct in the sense, that it is not the Jurisdiction of the SRA to determine the *interse* dispute between the legal heirs as that is not its domain and therefore has rightly relegated, the petitioner as well as the respondent No.4 to the appropriate Court empowered to grant such declaration. I therefore do not see any reason to interfere in the impugned orders. The petition is therefore dismissed. No costs.

4. Needless to say that, any decision rendered by the Court of competent jurisdiction upon the aforesaid two documents would be binding upon the authorities SRA.

(AVINASH G. GHAROTE, J.)