

VASANT
ANANDRAO
IDHOL

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9972 OF 2024

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ANANDRAO IDHOL
Date: 2024.07.19
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Sushil Jatashankar Sharma And Ors. ...Petitioners
Versus
Slum Rehabilitation Authority Through
Chief Executive and Ors. ...Respondents

Mr.C.K. Tripathi for the Petitioners.

Ms.Uma Palsule desai for the Respondent Nos.1 and 2 – SRA.

Ms.Aloka A. Nadkarni, AGP for the Respondent- State.

Mr.S.H. Katkar i/b Mr.Vishwanath Patil for the Respondent No.7 -
AGRC.

CORAM : AVINASH G. GHAROTE, J.
DATE : 19th JULY 2024

P.C.:

1. Heard Mr.Tripathi, the learned counsel for the petitioners. The petition questions the order dated 05.01.2024 (page 56), passed by the respondent No.2 and the order dated 26.06.2024 passed by respondent No.7 (page 154), so also the consequent notice dated 11.07.2024 issued by the Slum Rehabilitation Authority (SRA) (page 165).

2. The only grievance raised by the learned counsel for

the petitioners is that in spite of the documents placed on record before the respondent No.2, indicating the eligibility of the petitioners, these have not been considered.

3. In order to ascertain the position, the learned counsel for the petitioners, was called upon to demonstrate the position, that the documents, which according to him demonstrate their eligibility, were indeed placed before the respondent No.2, as the order dated 05.01.2024, does not indicate such a position. This could have been demonstrated either by list of documents indicating the documents being placed on record before the respondent No.2 or the order sheet of the respondent No.2, both of which are not placed on record. The learned counsel for the petitioners wants this Court to rely upon his statement, in respect of this position, which I am not willing to do, considering which he seeks time to place aforesaid documents on record, however, seeks a stay to the demolition till that time.

4. When the order of the respondent No.2 dated 05.01.2024, does not spell out, placing of the documents under which the petitioners claim eligibility, the mere statement of the learned counsel for the petitioners to the contrary, cannot be

accepted. The learned counsel for the petitioners faced with this, states that the petition be dismissed, on account of which this order is being passed.

5. I have perused the order dated 05.01.2024, in which at page 69, the arguments of the present petitioners are recorded. It does not indicate that the petitioners have placed anything on record to indicate their eligibility, in view of which the respondent No.2 has opined, that in case in the future, the present petitioners demonstrate their eligibility, their claim would be considered (page 72). The order of respondent No.7 also upholds the order of the respondent No.2, considering which, as there is failure on the part of the petitioners to demonstrate the eligibility, I do not see any reason to interfere in the impugned orders. In case the petitioners are able to demonstrate their eligibility, they would be entitled, to claim the benefit, as has been opined by the respondent No.2 in the order dated 05.01.2024.

6. The petition is dismissed. No costs.

(AVINASH G. GHAROTE, J.)