

Amol

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 383 OF 2024**

Kamla Govind Singh Rawat ...Petitioner
Versus
The State of Maharashtra through Government ...Respondents
Pleader & Ors

Mr Malcom Sigamporia, i/b Akash P Shah, for the Petitioner.
Mr Abhay L Patki, Addl GP, with Vrushali Kabre, AGP, for the
Respondent-State.
Mr Jagdish G Aradwad (Reddy), for Respondent No 2.

**CORAM G.S. Patel &
 Kamal Khata, JJ.**
DATED: 1st March 2024

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1. Leave to amend in terms of the draft, tendered and taken on record and marked “X” for identification with today’s date. Amendment to be carried out by Tuesday, 5th March 2024 without need of reverification. A copy of the draft amendment having been given to the Slum Rehabilitation Authority (“SRA”), it is not necessary to serve the Petition afresh especially since we propose to dispose of that Petition by today’s date.

2. The short point in the Petition is that the Petitioner seeks a restraint against the SRA from allotting any flats in rehab building C 1 and C 2 on Plot C in the Daulat Nagar slum rehabilitation scheme at Village Vile Parle, Santacruz (West), Mumbai.

3. The relief is overbroad given the facts of the matter. The Petitioner Rawat says that she purchased a slum hut from one Bhuvaneshwari Pande, the widow of the original hut occupant Ramchandra Pande. The averment is that Ramchandra Pande's heirs all consented to this sale. Then it was the Petitioner who delivered possession of the slum hut to the developer for redevelopment. It is an accepted position that transit rent was paid by the developer to the Petitioner Rawat and not to any member of Pande family.

4. But, as Mr Reddy for the SRA points out, Rawat made no attempt to have her name entered on Annexure II. Thus, it was the name of the original holder Ramchandra Pande that continued in Annexure II and hence the action against the Petitioner.

5. Now the Petitioner has made an application very recently, just a few days ago on 21st February 2024, to rectify, correct or update the Annexure II to show the name of Rawat as the eligible slum dweller. This is the subject matter of prayer clause (b1) sought to be added by amendment.

6. The Petition can thus be disposed of by directing the SRA to decide the application dated 21st February 2024 of the Petitioner as

expeditiously as possible and on merits, having regard to all attendant circumstances, at the earliest possible and preferably within four weeks from today.

7. The Petition is disposed of in these terms. There will be no order as to costs.

(Kamal Khata, J)

(G. S. Patel, J)