

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 936 OF 2024

Indubai Pagare

.Petitioner

Versus

The State of Maharashtra & ors.

.Respondents

Mr. Vidnyan Daware, Advocate, for the Petitioner

Mr. Prashant Kamble and Mr. Suraj Gupte, AGPs, for Respondent No. 1 – State

Mr. Akshay Shinde, Advocate, for Respondent No. 3

CORAM: MADHAV J. JAMDAR, J.

DATE: 10.07.2024

P. C.

1. Heard Mr. Daware, learned counsel for the Petitioner, Mr. Kamble, learned AGP for Respondent No. 1 – State and Mr. Shinde, learned counsel for Respondent No. 3.

2. The challenge in this Writ Petition is to the legality and validity of the Order dated 03.02.2020 passed by the SLGRC.

3. It is the main contention of learned counsel appearing for the Petitioner that various documents namely Aadhar Card, Voters List, Ration Card etc. showing the user of the structure in question for residence is produced before SLGRC. However, claim of the Petitioner was rejected on the ground that as far as electricity meter is concerned, there is only one electricity meter and the electricity is being used for the structure in I. D. Nos. 40 and 41 from the said electricity meter. He submitted that the other evidence produced by

the Petitioner has not been taken into consideration.

4. Mr. Shinde, learned counsel for Respondent No. 3 and Mr. Kamble, learned AGP for Respondent No. 1- State supported the impugned order and submitted that the Writ Petition be dismissed.

5. Perusal of the impugned order dated 03.02.2020 clearly shows that various documents are produced by the Petitioner and the impugned order has been passed only by taking into consideration only the electricity bill. In view of the same, the impugned order dated 03.02.2020 passed by the SLGRC is hereby quashed & set aside and the matter is remanded back to the SLGRC for hearing afresh and by giving personal hearing to the Petitioner.

6. The Petitioner to remain present before the SLGRC on 29.07.2024 at 11.00 a. m. for fixing schedule of hearing. As the case is of the year 2019, the SLGRC is requested to dispose of the case by 31.10.2024 by passing reasoned order after giving personal hearing to the Petitioner.

7. It is clarified that this Court has not considered the merits and all the contentions on merits are expressly kept open.

8. The Writ Petition is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]