

Arjun

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

WRIT PETITION NO.2171 OF 2024

Vilas Dhaku Parab

...Petitioner

Versus

Grievance Redressal Committee & Ors.

...Respondents

Ms. Archana Gaikwad, for the Petitioner.

Ms. Uma Palsuledesai, AGP, for Respondent Nos.1 & 2-State.

Ms. P. H. Kantharia, for the Respondent No.6-SRA.

CORAM: MADHAV J. JAMDAR, J.

DATED: 01 JULY 2024

P.C.:

1. Heard Ms. Gaikwad, learned Counsel appearing for the Petitioner, Ms. Palsuledesai, learned AGP appearing for Respondent Nos.1 and 2, and Ms. Kantharia, learned Counsel appearing for Respondent No.6.
2. Ms. Gaikwad, learned Counsel appearing for the Petitioner states that all Respondents have been served and affidavit of service has already been filed.
3. Ms. Gaikwad, learned Counsel appearing for the Petitioner submitted that the slum structure which is subject matter of the Writ Petition is occupied by the Petitioner. She submitted that one Dilip Babaji Khopde was the previous occupant and the Petitioner had purchased the said slum structure from him in the year 1994. She submitted that the Petitioner is in possession of various documents

including that his name is shown in the voters list for the year 1995, Electricity Meter/Bill issued in his name since 23rd October 1996, a receipt of Slum Survey 2000 also is in favour of the Petitioner as well as Aadhaar Card and Ration Card stand in the name of the Petitioner. She submitted that her Appeal bearing No.1854 of 2018 was dismissed only on the ground that no Application for delay condonation was filed. She submitted that there are sufficient grounds for delay condonation as the Petitioner was not aware that name of Dilip Babaji Khopde was shown in Annexure-II.

4. In view of these contentions, as the documentary evidence since the year 1995 shows that the Petitioner is in possession of the property and as a receipt regarding Slum Survey 2000 is in favour of the Petitioner, without going into their merits, the impugned Orders dated 6th June 2019 passed by the Respondent No.2-Additional Collector and Appellate Authority as well as Order dated 23rd November 2022 passed by the Respondent No.1-Grievance Redressal Committee, Mumbai Suburban are quashed and set aside.

5. Accordingly, said Appeal No.1854 of 2018 is remanded back to the Additional Collector and Appellate Authority, Mumbai Suburban District.

6. The Petitioner to appear before concerned Additional Collector and Appellate Authority, Mumbai Suburban District on 22nd July 2024.

On that day, the Petitioner to file delay condonation Application in said Appeal No.1854 of 2018.

7. The Respondent No.2-Additional Collector and Appellate Authority, is requested to decide the said delay condonation Application as well as Appeal No.1854 of 2018 on or before 30th September 2023.

8. The Writ Petition is disposed of accordingly.

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

[MADHAV J. JAMDAR, J.]