

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1254 OF 2024**

Farook Haroon Chippa ... Petitioner.
V/s.
The Chairman, Grievance
Redressal Committee & Ors. ... Respondents.

Mr. Amit Dubey for the Petitioner.
Ms. Tanaya Goswami for Respondent No.1-GRC & Respondent No.3-SRA.
Ms. Tanu N. Bhatia, AGP, for Respondent No.2-State.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.
DATE : 22nd January 2025.**

Order (Per: Kamal Khata, J.):

- 1) By this Writ Petition under Article 226 and 227 of the Constitution of India the Petitioner seeks to set aside the impugned Order dated 8th March 2019 passed by the Grievance Redressal Committee (“GRC”).
- 2) The Petitioner, is a purported slum dweller, residing in an independent hut located on land bearing CTS No.1500 (pt.), 2116 (pt.) and 2124 of village Mahim.
- 3) By the impugned Order, the GRC rejected the Petitioner’s claim that, he was an eligible slum dweller and that his name was deliberately not notified in Annexure-II which the Competent Authority had issued in the year 2010. The GRC observed that the Petitioner’s structure was not in existence at the time of the survey. Furthermore, the voters list of 1995

produced by the Petitioner indicated that he was residing in hut No.107 at the relevant time. The Additional Collector's Order recorded that the hut No.107 belonged to one Banu B. Jamaluddin Sayyed who was declared eligible and whose name was recorded in the Annexure-II. Additionally, the GRC noted that the surveyed structure measured 7 x 8 square feet.

4) Moreover, the GRC has rightly recorded that although the Annexure-II was prepared in the year 2010, the Petitioner submitted his application to the Competent Authority for the first time only in the year 2016. Thus, in view of the concurrent findings of the Authorities below that the Petitioner's structure is not protected, there was no basis to interfere with the Additional Collector's Order declaring the Petitioner ineligible.

5) Heard counsel Mr. Amit Dubey, for the Petitioner, as well as the Advocates for the Respondents, and reviewed the documents.

6) The Petitioner lacks documentary evidence to establish the identity of the structure he resides in.

7) A careful examination of the ration card dated 26th May 1997, reveals that the Petitioners family consisted of five members. However, there is no reference to the specific hut admeasuring 7 x 8 square feet, in the ration card.

8) Given the documents presented by the Petitioner, we cannot conclude that the authorities - namely, the Additional Collector Respondent No.2 and the Deputy Collector, Respondent No.3 should have deemed the

Petitioner's structure eligible for inclusion in Annexure-II.

9) The significant delay between 2010 and 2016 in challenging the Annexure II, alongwith the assertion that the Respondent No.3 identified 100 additional ineligible structures, raises concerns. Furthermore, the Petitioner waited five years after the Order of 8th March 2019 before filing the Petition in May 2023. This timeline reinforces the finding of the GRC that the Petitioner has no independent right to claim eligibility. As such, this Petition appears to be a “lottery writ”.

10) It is also apparent that such structures are likely to have emerged over time, making the delay even more inexplicable. Additionally, the Petition itself was filed after five years, with no justification provided for this delay.

11) We are also unable to accept the contention that, the Order lacked proper reasoning. After reviewing the Order in detail, we find no perversity or illegality in its reasoning.

12) We find no reason to interfere with the concurrent findings of the Respondent No.2, Additional Collector and Respondent No.3 Deputy Collector.

13) The Petition is thus rejected.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)