

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 100 OF 2025**

Renu Indramohan Jha ... Petitioner
vs.
Grievance Redressal Committee and others ... Respondents

Mr. A. M. Kulkarni, i/b. Mr. Akil Kupade and Mr. Vidnyan Daware for petitioner.

Mr. Nishigandh Patil for respondent Nos.1 and 3.

Mr. B. B. Dahiphale, AGP for respondent No.2-State.

**CORAM : MANISH PITALE, J.
DATE : 23rd JUNE, 2025**

P.C. :

. Heard learned counsel for the petitioner and the learned counsel appearing for the contesting respondents.

2. By this petition, the petitioner has challenged the impugned orders passed by the respondent Nos.1 and 2, whereby appeal filed before the said respondents, on the question of eligibility of the petitioner to avail relief under the slum rehabilitation scheme, has been rejected. The present case is concerned with the claim of the petitioner for relief as regards a hutment required to be demolished for the Airport Development Redevelopment (Extension) Project at Survey No.201. The hutment No.132 is the subject matter of this proceeding, as the petitioner has been held to be ineligible, despite the fact that the requisite documents were produced by the petitioner in support of her claim.

3. The learned counsel for the petitioner submits that in the present case, the hutment in question was in existence prior to 01.01.2000 and this is evident from the documents of the contesting respondents themselves. It is the case of the petitioner that she entered into the picture upon the predecessor, one Vimal Namdeo Pote, executing an agreement in her favour on 06.01.2009 regarding the said hutment. The petitioner claims that upon such execution of agreement by the original owner of the hutment, the petitioner has continued in possession of the said hutment from the year 2009. In support of the said claim, the learned counsel for the petitioner specifically invited attention of this Court to relevant documents referred to in paragraph No.8 of the petition.

4. He further relied upon Slum Dwellers' Verification Report prepared by the contesting respondents themselves, as per survey conducted on 28.07.2015. By referring to the contents of the said report, which is signed by the petitioner as well as two witnesses, it was submitted that the petitioner was clearly covered as per the eligibility criteria in the Government Resolution (GR) dated 16.05.2015.

5. According to the petitioner, despite the said documents being made available, respondent Nos.1 and 2, both erroneously held against the petitioner and she was treated as ineligible. It was submitted that the said approach of the contesting respondents, is unsustainable and it is based on erroneous interpretation of GR dated 16.05.2015.

6. It is further brought to the notice of this Court that identically situated persons have been granted relief of eligibility by the

contesting respondents, thereby demonstrating an approach of pick and choose on their part, which is also unsustainable. On this basis, it was prayed that the impugned orders be set aside and it be held that the petitioner is eligible for benefit under the slum rehabilitation scheme.

7. On the other hand, the learned counsel appearing for the contesting respondents submitted that on a proper reading of GR dated 16.05.2015 and applying the same to the admitted facts, no error can be attributed to respondent Nos.1 and 2 in passing the impugned orders. It was submitted that it was only the said Vimal Pote, who could have filed an appeal and that the petitioner cannot raise any grievance in the facts and circumstances of the present case. It was sought to be argued that at best, the petitioner may claim entitlement under the subsequent GR dated 16.05.2018, according to which, the petitioner would have to pay specified premium and therefore, insofar as applicability of GR dated 16.05.2015 is concerned, the petitioner cannot claim any relief. On this basis, it was submitted that the petition deserves to be dismissed.

8. This Court has considered the rival submissions in the context of GR dated 16.05.2015. A proper reading of the same would show that the crucial date i.e. 01.01.2000, as a qualifying date, is relevant in the context of verifying as to whether the hutment in question was or was not in existence on the said date. There is no controversy that the aforesaid hutment indeed existed prior to 01.01.2000 and therefore, the GR dated 16.05.2015 would apply.

9. The contention sought to be raised on behalf of the contesting respondents that the petitioner would also have to demonstrate that

she herself was residing in the said hutment prior to 01.01.2000, cannot sustain, simply for the reason that the aforesaid GR itself, while laying down criteria for eligibility, in paragraph No.1(c), contemplates a situation where the slum was in existence prior to 01.01.2000, but the person actually in possession came into picture thereafter. This is further evident from paragraph No.3(b) of the said GR. Therefore, there is no substance in the contention raised on behalf of the contesting respondents that since the petitioner, according to her own case, came into picture only in 2009, she cannot claim benefit of GR dated 16.05.2015 or that she would have to pay premium, as per the subsequent GR. In the facts of the present case, this Court has convinced that the petitioner is certainly eligible under GR dated 16.05.2015.

10. It is in this context that the contents of the survey report at Exhibit I assume significance. The said report shows that it is issued by the contesting respondents, which bears the signatures of the petitioner as well as two witnesses. There is a specific column therein for details of the person in possession of hutment, prior to the date of survey and another specific column, pertaining to a person other than the original person, who is in possession of the hutment on the date of the survey. Therefore, the survey itself contemplates a situation where the person in possession of hutment prior to 01.01.2000, has not continued in possession and some other person had acquired possession of the hutment.

11. The survey report itself shows the name of the said Vimal Pote, as the person who was in possession of the subject hutment prior to the survey and it also specifically records the name of the petitioner, who came into picture later. In fact, the column pertaining to

documentary proof submitted by such subsequent possessor i.e. the petitioner, shows that the documents such as Pan Card, Aadhar Card, Voters ID card, sale agreement, etc. were all produced by the petitioner. These documents also find mention in the present petition. It is also relevant to note that the said Vimal Pote has, at no stage, raised any claim with regard to the subject hutment.

12. In the face of such material, this Court fails to understand as to how respondent Nos.1 and 2 held against the petitioner. There was no reason for them to hold that it was difficult to fathom how the name of the earlier owner of hutment was found on the record. There was nothing difficult to understand the said position, for the reason that GR dated 16.05.2015 itself contemplates such a situation and the survey conducted by the contesting respondents itself shows that the details pertaining to such a situation are required to be verified during the course of conducting the survey.

13. The contention raised on behalf of the contesting respondents at this stage that the petitioner should have then satisfied the requirement of paragraph No.3(b) of the GR dated 16.05.2015, also deserves to be rejected, for the simple reason that the survey conducted by the contesting respondents itself verifies all such information. A proper application of GR dated 16.05.2015 to the information that came on record pursuant to the survey dated 28.07.2015, would show that the petitioner ought to be held as eligible for relief under the slum rehabilitation scheme. In not doing so, the contesting respondents did commit an error and hence, the present petition deserves to be allowed.

14. In view of the above, the petition is allowed in terms of prayer clauses (c) and (d), which read as follows:

- c. That this Hon'ble Court may be pleased to quash and set-aside the Impugned Order dated 26/07/2024 passed by the Respondent No.1 and order dated 12/06/2018 passed by the Respondent No.2;
- d. That, the Writ of certiorari and/or any other appropriate writ and/or order and/or direction may be issued to the respondent No.3 to delete the name of the Vimal Namdev Pote and record the name of the petitioner in the Annexure-II at Sr. No.201, SD No.12 (Hut No.132) and declare the Petitioner as eligible/qualified for permanent rehabilitation;'

15. Pending applications, if any, also stand disposed of.

(MANISH PITALE, J)

Priya Kambli