

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 166 OF 2025

Vikas Damodar Pawar

... Petitioner

Versus

Additional Collector & Appellate

Authority & Ors.

... Respondents

Mr. Pradeep Thorat *i /by Aniesh S. Jadhav a /w Pradeep Gaikwad,
for the Petitioner.*

Mrs. S.A. Prabhune, AGP *for the Respondent / State.*

Mr. Anoop Patil, *for Respondent / SRA & GRA.*

CORAM : SANDEEP V. MARNE, J.

DATE : 9 JANUARY 2025.

P.C. :

1) Leave granted to amend the Petition for impleadment of Collector, Mumbai Suburban District as Respondent No.3. Amendment be carried out forthwith.

2) The Petition challenges the order dated 11 October 2024 passed by the Grievance Redressal Committee, Mumbai Suburb, Mumbai (**GRC**) in appeal filed under the provisions of Section 13(1)A of the The Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (the **Slums Act**) disposing

the appeal no. 135 of 2024 preferred by the Petitioner and confirming the orders dated 8 April 2024 passed by the Additional District Collector (encroachment/demolition) eastern suburbs as well as order dated 12 December 2023 passed by the Deputy Collector (encroachment/demolition), Ghatkhopar.

3) According to Mr. Thorat, the learned Counsel appearing for the Petitioner, the structure in question has been constructed in accordance with NOC issued by the office of Collector, Mumbai Suburban on 25 August 2023. He would also invite my attention to work order dated 31 January 2023 issued to the contractor by Respondent No.10 and he would also submit that the structure has been constructed not only in accordance with NOC issued by the Collector in pursuance of request made by MHADA by letter dated 25 August 2023. The structure is undoubtedly on government land. The structure is occupied by the Petitioner. According to him, he conducts Social Welfare Centre in the said structure.

4) The Collector as well as Executive Engineer (e), Mumbai Slum Improvement Board shall file an affidavit explaining the circumstances in which permission was granted for erection of structure at the cost of public funds on public land for use of the structure exclusively by a private person. Since no vested right can be established by the Petitioner for retaining possession of the structure, possession thereof ought to be secured from him. It appears that public funds to the tune of Rs. 20,56,686/- are spent in construction of the structure which is now directed to be demolished by Deputy Collector (encroachment/demolition) Ghatkhopar. In that view of the matter, the Deputy Collector shall forthwith take possession of the structure in question and seal the same. Let the

affidavits of Respondent Nos. 11 and 13 be filed within a period of three weeks. List the Petition for further consideration on 17 February 2025 under the caption 'for circulation'. Since the possession of the structure is directed to be secured forthwith by sealing the same, the structure shall not be demolished till the next date of hearing.

[SANDEEP V. MARNE, J.]