

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

WRIT PETITION NO.12932 OF 2024

Ashwin G. Sharma

...Petitioner

V/S

The State of Maharashtra & Ors.

...Respondents

Mr. Amey Sawant with Mr. Pratik Sabrad, Ms. Neha Parte,
Ms. Gracy Saldana *for Petitioner.*

Ms. Vaishali S. Nimbalkar, AGP *for Respondent Nos.1 and
2/State.*

Mr. Shahaji R. Shinde *for Respondent Nos.3 and 4.*

CORAM: SANDEEP V. MARNE, J.

DATE : 7 APRIL 2025.

P.C.:

1. The Petition challenges order dated 23 November 2022 passed by Grievance Redressal Committee (**GRC**) rejecting Appeal No.50 of 2022 filed by the Petitioner and confirming the order dated 9 April 2021 passed by the Appellate Authority/Additional Collector (E/R) Western Suburb in Appeal No.943 of 2019.

2. I have heard Mr. Sawant, the learned counsel appearing for Petitioner, Mr. Shinde, the learned counsel appearing for Respondent Nos.3 and 4 and Ms. Nimbalkar, the learned counsel appearing for Respondent Nos.1 and 2/State.

3. Perusal of the order passed by the Appellate Authority/ Additional Collector (E/R) would show that Petitioner's father Shri Galan Sharma is already held eligible in Annexure-II prepared on 30 November 2004 in respect of structure at serial No.215. The said structure admeasures 37.93 square feet as per the report of the Surveyor. Petitioner claims that he was occupying the separate slum structure admeasuring 32.28 square feet. If that is the position, the Appellate Authority has questioned as to how the Petitioner's father could reside in balance portion of structure admeasuring only 5.35 square feet. The Appellate Authority has recorded a finding of fact that after the Annexure-II was finalized on 31 November 2004, Petitioner has secured electricity connection for the purpose of raising a claim under the Government Resolution dated 16 May 2018. He initially attempted to claim residence prior to 1 January 2000 and after it was found that he could not produce any documentary evidence of residence prior to 1 January 2000, he now relies on copy of electricity bill of 2006 to claim benefit under the Government Resolution dated 16 May 2018 under which structure occupiers upto 1 January 2011 are entitled to rehabilitation on payment basis. However paragraph 4(a) and (b) of the Government Resolution dated 16 May 2018 clearly provides that member of the same family or member of different family found to be residing in the same structure, which is already included in Annexure-II prepared as per Government Resolution dated 16 May 2015 cannot be held eligible under the Government Resolution dated 16 May 2018. Once father is held

eligible in respect of a structure, as per GR dated 16 May 2015, his son cannot create a documentary evidence in the form of electricity bill in respect of part of same structure to take undue benefit of GR dated 16 May 2018.

4. In the present case, Petitioner's father is already held eligible in respect of structure at serial No.215 of Annexure-II. Petitioner cannot secure electricity connection in respect of the same structure by sub-dividing the same after preparation of Annexure-II for the purpose of taking benefit of Government Resolution dated 16 May 2018. I therefore do not find any valid reason to interfere in the impugned orders passed by the Additional Collector and the GRC. Petition is devoid of merits. It is accordingly **dismissed**.

(SANDEEP V. MARNE, J.)

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