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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7029 OF 2023

K.K. Construction ... Petitioner
V/s.
The State of Maharashtra & Ors. ... Respondents

WITH
INTERIM APPLICATION NO.1657 OF 2025
IN
WRIT PETITION NO.7029 OF 2023

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Suryakanta Dhanpal Kothari ... Applicant
In the matter between
K.K. Construction ... Petitioner
V/s.
The State of Maharashtra & Ors. ... Respondents

Mr. Mandar Limaye i/by Mr. Metan Dhavle for the
petitioner in WP and for the respondent in IA.

Mr. Satyadev D. Joshi with Mr. Sushant Mishra and Ms.
Dhairya Parekh for the applicant in IA.

Ms. Priyanka B. Chavan, AGP for respondent Nos.1 to 3
– State.

Ms. Dhruti Kapadia for respondent No.4-SRA.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 10, 2025

P.C.:

1. This writ petition, filed under Article 226 of the Constitution of India, challenges the validity of the impugned order dated 14th March 2022 passed by the Assistant Registrar of the Slum

Rehabilitation Authority. The challenged order, issued pursuant to Circular No.153 of the Slum Rehabilitation Authority, adjudicates the rights of respondent No.5. The petitioner contends that the order is erroneous and has sought appropriate judicial redress.

2. It is undisputed that respondent No.5 is in possession of two distinct premises, one designated for residential purposes and the other for commercial use. In the redevelopment scheme, the petitioner duly allotted an alternative residential premise in substitution of the existing residential unit. The contention arises from the petitioner's failure to provide an alternative commercial premise in lieu of the existing one. Consequently, pursuant to the provisions of Circular No.153, the petitioner filed an application with the Slum Rehabilitation Authority seeking relief in the form of arrears of rent for the commercial premises.

3. On 8th May 2023, the Slum Rehabilitation Authority directed the petitioner to remit arrears amounting to Rs.7,27,560/–, covering the period from 5th December 2017 to 4th June 2023. The petitioner challenged this direction by filing an appeal before the Assistant Registrar, Co-operative Societies. In the impugned order, the Assistant Registrar recorded findings concerning the entitlement of respondent No.5. The order acknowledged that an alternative residential premise had been duly allotted to respondent No.5, thereby satisfying the statutory requirement for the residential unit. However, relying upon a panchanama and the inspection report dated 1st December 2022, it was conclusively found that respondent No.5 had not received an alternative commercial premise. In the absence of any

temporary or substitute arrangement by the petitioner or the developer, the Assistant Registrar held that, under the mandate of Circular No.153, the petitioner was obligated to pay the arrears of rent for the commercial shop.

4. A meticulous review of the inspection report dated 1st December 2022 reveals that the petitioner is conducting commercial activities from her residential unit. This fact is corroborated by photographic evidence annexed by the Executive Engineer, which substantiates the findings recorded in the panchanama. The cumulative evidence on record is both credible and admissible, thereby justifying the findings of the lower authorities. In view of the clear evidentiary basis and the absence of any manifest error in the lower decision, this Court finds no ground for interference with the impugned order.

5. The findings recorded by the Assistant Registrar, based on the admissible material before the authority, are well-founded and procedurally correct. Consequently, the impugned order is upheld, and no interference is warranted.

6. Accordingly, the writ petition is dismissed. No costs.

7. In view of above, the interim application also stands disposed of as infructuous.

(AMIT BORKAR, J.)