



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

WRIT PETITION NO.2941 OF 2025

Nadira Begam Ikrar Ahmed ... Petitioner
versus
Grievance Redressal Committee and Ors. ... Respondents

Mr. S.K.Atiq Ur Rehman with Mr. Asad Niyazullah Khan, for Petitioner.
Mr. P.V.Nelson-Rajan, AGP for State.
Mr. Vaibhav D. Kadam, for Respondent No.4.
Mr. Chaitanya Kotnis, for Respondent No.5.

CORAM: N.J.JAMADAR, J.

DATE : 15 SEPTEMBER 2025

P.C.

1. Heard the learned Counsel for the parties.
2. This Petition under Article 227 of the Constitution of India takes exception to a judgment and order dated 24 January 2025 passed by the Grievances Redressal Committee in an Appeal under Section 35(1A) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, thereby dismissing the appeal preferred by the Petitioner against the order dated 20 September 2023 passed by the Additional Collector and Appellate Authority in an appeal against the determination of the eligibility in respect of the slum rehabilitation scheme being implemented at CTS No.50 Part, 12/50 Part at Tawari Pada, Lalbaug, Mumbai, for Duttvila Lalshah SRA Co-op. (prop.) - Respondent No.4.

3. In respect of the aforesaid slum rehabilitation scheme, annexure II was issued on 26 May 2010. In the said annexure II, Sr. No.1, Hut No.124 was shown as a closed hut. It was, however, recorded therein that the Society had then informed that Fazlur Rehman and Mehsuk Ikrar Ahmed were the occupants thereof. The Petitioner claims to be the daughter of Fazlur Rehman and wife of Mehsuk Ikrar Ahmed. The grievance of the Petitioner is that, on 18 January 2020, a supplementary Annexure II came to be issued in which the name of Dinesh Dattaram Valvatkar (R5) has been shown as the eligible person for the allotment of the residential premises in the said slum rehabilitation scheme qua the said hut No.124.

4. The Petitioner alleges, the Respondent No.5, in connivance with the Society (R4) and others, has fraudulently got his name entered in the Annexure II. The documents, especially the electricity consumption bills in the name of the father and husband of the Petitioner and the Petitioner, were pressed into service to demonstrate that the Petitioner had been in the occupation of the subject hut No.124.

5. By an order dated 20 September 2023, the Appellate Authority dismissed the challenge to the determination of the eligibility of the Respondent No.5 observing, inter alia, that the society (R4) had informed in the year 2012 itself that the names of Fazlur Rehman and Ikrar Ahmed were wrongly shown as occupants, though the society had not given such

intimation, and, there were documents which indicated that the Respondent No.5 was the occupant of the subject hut, and, thus, the determination of the eligibility by the Competent Authority cannot be faulted at.

6. On appeal, the Grievance Redressal Committee concurred with the views of the Appellate Authority and concluded that, there was no error which warranted interference in the order passed by the Appellate Authority.

7. Mr. Rehman, learned Counsel for the Petitioner, took the Court through the material on record. An endeavour was made to draw home the point that the Respondent No.5 in connivance with the Respondent No.4, has submitted false documents and on the strength thereof, it has been declared that the Respondent No.5 is the eligible occupant. The authorities below were not justified in dismissing the appeals and, at any rate, the matter warrants afresh consideration by the Appellate Authority.

8. Mr. Kotnis, the learned Counsel for Respondent No.5 resisted the submissions on behalf of the Petitioner. Taking the Court through the contentions in the affidavit in reply and the documents annexed thereto, Mr. Kotnis would urge that the concurrent findings of fact recorded by the statutory authorities are not open for interference in exercise of supervisory jurisdiction. Emphasis was laid on the fact that Fazlur Rehman and Ikrar Ahmed never raised any dispute about the determination of the eligibility during their lifetime. By taking undue advantage of an inadvertent entry in the

Annexure II that the Society gave the names of Fazlur Rehman and Ikrar Ahmed, the Petitioner is propounding an incorrect claim, submitted Mr. Kotnis.

9. Mr. Kadam, learned Counsel for Respondent No.4 also supported the submissions on behalf of the Respondent No.5.

10. I have carefully perused the material on record. The edifice of the submission on behalf of the Petitioner was sought to be built on endorsement in the Annexure II issued in the year 2010 that the society gave names of Fazlur Rehman and Ikrar Ahmed, though during the period of survey, hut was found to be shut. The aforesaid entry is required to be appreciated in the light of the fact that, under a couple of years of the issue of the said Annexure II, the Society (R4) had informed the Competent Authority that the names of Fazlur Rehman and Ikrar Ahmed were wrongly mentioned in Annexure II, against an entry at Sr. No.124 and the Society had not furnished such information. It was stated therein that Dinesh (R5) was the holder of the said hut. Likewise, Dinesh (R5) had also addressed a communication to the Competent Authority.

11. In the aforesaid view of the matter, an entry in Annexure II, the source of which was the information allegedly furnished by the Society, and not actual physical verification, cannot, by itself, sustain the claim of the Petitioner. Authorities have found that the electricity bills which were pressed into service on behalf of the Petitioner were in respect of the other premises

and not hut No.124. The electricity bill in respect of Consumer No.566355009*1 which stood in the name of the Petitioner was installed on 9 December 2021. There was no cogent material to indicate that the Petitioner, or for that matter, Falzur Rehman and Ikrar Ahmed were in the occupation of the subject premises prior to 1 January 2000. The fact that during their lifetime, Fazlur Rehman and Ikrar Ahmed did not raise any grievance about the non-inclusion of their names and the determination of the eligibility of the Respondent No.5 qua hut No.124, also assumes importance.

12. In contrast, Respondent No.5 has placed on record documents which indicate that Fazlur Rehman and Harun Shaikh, brother of the Petitioner, had sold their huts during the period 1995-2000. The survey carried out in the year 2000, did not indicate that the Petitioner was in the occupation of the subject structure.

13. In the face of the aforesaid material, this Court in exercise of the supervisory jurisdiction does not find any infirmity in the concurrent findings of fact recorded by the authorities under the Act, 1971. It cannot be said that the findings of the statutory authorities are either perverse or based on no evidence. The determination of the eligibility of Respondent No.5 appeared to be based on objective material.

14. In the aforesaid view of the matter, this Court does not find any justifiable reason to entertain the Petition.

15. The Writ Petition stands dismissed.
16. No costs.

(N.J.JAMADAR, J.)