



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8928 OF 2025**

Prameshkumar Mevalal Gupta ... Petitioner
versus
State of Maharashtra and Ors. ... Respondents

Ms. Bhagyashri Ranade with Mr. Shaikh Abdul, Mr. Azim M. Hanif, for Petitioner.

Mr. P.J.Gavhane, AGP for Respondent Nos.1 and 3.

Mr. Santosh Mali, for Respondent No.4

Ms. Tanaya Goswami for Respondent Nos.2 and 5.

Mr. Prashant Gawali, Sub-Engineer, L Ward, BMC present.

CORAM: N.J.JAMADAR, J.

DATE : 9 JULY 2025

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to a judgment and order dated 8 January 2025 passed by the Grievance Redressal Committee, in Appeal No.158 of 2024 preferred under Section 35(1A) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, whereby the appeal preferred by the Petitioner against the order passed by the Appellate Authority under Section 35(1) of the Act, 1971 dismissing the appeal against the order passed by the Deputy Collector (E/R), Chambur, declining to include the name of the Petitioner in Annexure II and extend the benefit of rehabilitation, came to be dismissed.
3. A survey was carried out and at Sr. No.23, a hut was shown closed.

The Petitioner claimed that he had acquired the said hut in the year 1993 and had been running a commercial establishment therein under the name and style of M/s. Agarwal Grain Stores. As the Petitioner was not present at the time of the said survey, the said hut was shown as closed. The Petitioner, thereafter, approached the authorities to include his name in Annexure II. Asserting that the Competent Authority did not include the name of the Petitioner in Annexure II and declined to grant benefit of rehabilitation, despite existence of overwhelming material to show that the Petitioner in been in possession of the subject hut, the Petitioner preferred an appeal before the Appellate Authority under Section 35(1) of the Act, 1971, and upon being non-suited, a further appeal before the Grievances Redressal Committee under Section 35(1A) of the Act, 1971, which also came to be dismissed by the impugned order.

4. Ms. Ranade, learned Counsel for the Petitioner, would urge that the authorities have committed grave error in discarding the documents of unimpeachable character, which show that the Petitioner had been in possession of the subject hut since prior to 2000. The Grievances Redressal Committee, though noted the documents, yet failed to correctly appreciate the import thereof. Hence, the impugned order warrants interference.

5. I have perused the material on record. It appears that the Petitioner did not raise grievance regarding the non-inclusion of his name in Annexure II as

the holder of the hut for a considerable period. After the rehabilitation scheme was declared, the Petitioner started making grievances regarding the non-inclusion. The documents placed on record, including the registration certificate of Shop issued under the Maharashtra Shops and Establishments Act, 1948 and the register of electricity consumers of Reliance Energy, prima facie, do not substantiate the claim of the Petitioner. Mr. Mayaram G. Agarwal is shown as the original consumer since prior to 1992. In the certificate of registration also, Mr. Mayaram G. Agarwal is shown as the employer, albeit along with P.M.Gupta. None of the documents indicate that the Petitioner had been in possession of the subject hut prior to 1 January 2000.

6. Thus, there is no infirmity in the impugned order.

7. The Writ Petition stands dismissed.

(N.J.JAMADAR, J.)