

VRJ

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

**INTERIM APPLICATION NO.3154 OF 2025
IN
WRIT PETITION NO.2883 OF 2025**

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Shri Ganpat Mali S.R.A. Co-operative
Housing Society Ltd. ... Applicant

V/s.

The State of Maharashtra & Ors. ... Respondents

Mr. Shakeeb Shikh with Mangesh J. Nalawade and
Asmita N. Rajbhor i/by Upshot Legal for the applicant.

Mr. Nishigandh Patil for respondent Nos.2, 3 and 6.

Mr. Balwant V. Salunkhe with C. K. Bhangoji for
respondent No.4.

Ms. Kavita N. Solunke, AGP for the State.

CORAM : AMIT BORKAR, J.

DATED : APRIL 2, 2025

P.C.:

1. The present writ petition is instituted by a co-operative housing society comprising slum dwellers, assailing the legality and validity of an order dated 28.01.2025 passed by the Grievance Redressal Committee, Mumbai (hereinafter referred to as “the GRC”), whereby the GRC has allowed the eligibility claim of respondent No.4 under the Slum Rehabilitation Scheme. A perusal of the petition and the pleadings on record would indicate that the real lis is between respondent No.4 and respondent No.5, both of

whom appear to be rival claimants to a single tenement under the Slum Rehabilitation Scheme. The core issue, therefore, pertains to inter se eligibility between the said respondents.

2. It is material to note that the society, as the petitioner before this Court, has not made any specific averments to the effect that either respondent No.4 or respondent No.5 is ineligible as per the applicable criteria prescribed under the relevant Government Resolutions or Circulars governing the Slum Rehabilitation Scheme. The society's grievance is not that the GRC has erred in applying the eligibility norms, but rather that the acceptance of one claim would necessarily result in the rejection of the other. However, it is trite law that a petitioner must demonstrate infringement of its own legal rights or prejudice caused to its legal interest in order to maintain a writ petition under Article 226 of the Constitution of India.

3. In the present case, the society is not the person aggrieved by the impugned decision of the GRC. It is well-settled that only a person who is adversely affected or aggrieved by a decision can maintain a challenge to such decision.

4. The petitioner society has not demonstrated that any of its legal rights have been infringed or adversely affected by the order passed by the GRC. In absence of any specific and justiciable grievance, the society cannot be permitted to espouse a cause which is in substance a private dispute between respondent No.4 and respondent No.5. It is for the aggrieved respondent, whose claim of eligibility has been rejected, to challenge the order of the

GRC by instituting an appropriate proceeding in accordance with law.

5. In matters of adjudication of eligibility of slum dwellers under the Slum Rehabilitation Scheme, only the affected party, i.e. the person whose eligibility claim has been rejected, has the locus to challenge such rejection. A third party, such as a co-operative society or an association, cannot challenge the eligibility of another unless it demonstrates that the rights of the society as a whole are directly prejudiced.

6. In the present case, since the dispute is essentially between respondent Nos.4 and 5, and the petitioner society has no legal or constitutional right which stands infringed, this Court is of the considered view that the present writ petition is not maintainable at the instance of the society.

7. Accordingly, the writ petition stands disposed of with a clarification that the respondent whose eligibility has been rejected, if so aggrieved, shall be at liberty to challenge the impugned order dated 28.01.2025 by filing an independent writ petition or other appropriate legal proceedings, in accordance with law. There shall be no order as to costs.

8. Pending interlocutory application(s), if any, stand disposed of.

(AMIT BORKAR, J.)