

Kavita S.J.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.835 OF 2025

Sanjay Jalinder Sarvade

...Petitioner

Versus

CEO, SRA & Ors.,

...Respondents

Mr. V.N. Sagare for the Petitioner.

Mr. Mohit Jadhav, Additional G.P for Respondent No.2.

CORAM : R.I. CHAGLA, J.

DATED : 2nd APRIL, 2025.

ORDER :

1. By this Writ Petition, the Petitioner is impugning the Order dated 2nd September, 2021 passed by the Respondent No.1 – The Grievance Redressal Committee (“**GRC**”), Mumbai Suburban and seeking its quashing and setting aside.

2. The Petitioner is aggrieved by the impugned order on the ground that the GRC has taken a view that the Petitioner herein failed to prove his structure and his father’s structure are two different structures. The finding of the GRC is that as per the policy

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of the Government only one person from the family is entitled to get Slum area and not separate entire family members. Further, the order passed by the Additional Collector (EN/RE), Mumbai Eastern Suburban which was impugned before the GRC is a reasoned order and passed after giving ample opportunity to the Petitioner herein. Accordingly, the GRC has held that there is no need to interfere with the same. The Appeal No.1267 of 2018 preferred by the Petitioner herein, has accordingly been dismissed.

3. The learned Counsel appearing for the Petitioner has referred to the Letter dated 10th April, 2017 of the Deputy Collector (Encro/Eviction) and Competent Authority, Chembur I regarding survey conducted pursuant to which it was found that the name of the Petitioner was not included in Annexure-I. It is further mentioned that the Petitioner's structure / hut was not visible in the Survey Map. The Petitioner's father's hut No.45 was visible and hence is eligible. It is further stated that a hut can be eligible in the name of a single family member.

4. The Petitioner has submitted that the verification by Dr. Babasaheb Ambedkar SRA Co-operative Housing Society ("the Society") on site of huts as per old Annexure II, in the Annexure I of

the society, the name of the Petitioner at Serial No.126 as well as the name of the father of the Petitioner at Serial No.124 are shown. The Annexure I of the Society has been annexed at Exhibit-C to the Petition.

5. The Petitioner has also relied upon the other documents including list of eligible slum dwellers under the scheme prepared by the Respondent No.4 – Society which shows the Petitioner's hut as separate from Petitioner's father's hut.

6. The Petitioner has relied upon Agreement for Sale by which the Petitioner had purchased the structure from one Vishnu Vasudev Maheshgavli in the year 1997. The Petitioner has further relied upon the documents at Exhibit-N which is copy of Petitioner's Slum Holders Identity Card Survey for Greater Mumbai pursuant to which receipt had been issued showing the Petitioner's hut as eligible.

7. The learned Counsel appearing for the Petitioner has submitted that the aforementioned documents have not been considered by the Respondent No.2 - Additional Collector (EN/RE), Mumbai Eastern Suburban and also had not been considered by the GRC in the impugned order which had dismissed Appeal No.1267 of

2018 preferred by the Petitioner from the Order dated 18th July, 2018 passed by the Additional Collector. He has accordingly sought for setting aside of the impugned order and remand of the matter back to the GRC for *de novo* hearing and the consideration of the aforementioned documents relied upon by the Petitioner in the present Writ Petition and upon which fresh order be passed by the GRC.

8. The learned Counsel appearing for the Respondent No.1 – GRC has placed reliance upon the documents at Exhibit-L which is a copy of Election Extract for the year 2007 which shows the Petitioner and Petitioner's Father having common structure / hut. He has submitted that the GRC has arrived at a correct finding that the Petitioner has failed to prove his structure and his father's structure are two different structures.

9. Having considered the submissions, I find much merit in the submissions of learned Counsel for the Petitioner that the documents relied upon by the Petitioner clearly show that the Petitioner had a separate Structure / Hut. These documents were required to be considered by the GRC. Mere reliance on copy of Election Extract for the year 2007 is in my view insufficient for the

GRC to arrive at a finding that the Petitioner and his father had a common structure and not separate structures.

10. It is pertinent to note that by Agreement for Sale dated 4th November, 1997, the Petitioner had purchased the hut from one Vishnu Vasudeo Mahesgavli and had paid consideration of Rs.22,500/-. The Agreement for Sale has been annexed at Exhibit-I to the Petitioner. The Petitioner has placed on record the Annexure I of the Respondent No.4 – Society which shows the Petitioner having separate structure at Serial No.126. The Petitioner has also annexed to the Petition, the Layout Plan showing separate structure of the Petitioner.

11. In my view, the Respondent No.1 – GRC in not considering the aforementioned documents relied upon by the Petitioner has passed the impugned order holding that the Petitioner had failed to prove his structure and his father's structure are two different structures.

12. In view thereof, the following order is passed:

- (i) The impugned Order dated 2nd September, 2021 passed by the Respondent No.1 – GRC is quashed and set aside.

(ii) The matter is remanded back to the Respondent No.1 – GRC for *de novo* hearing and passing of the fresh order after considering the documents which are part of the present Petition as well as any other documents which may be produced by the Petitioner before the Respondent No.1 – GRC at the time of hearing.

(iii) The Respondent No.1 – GRC shall carry out the exercise of *de novo* hearing and passing of fresh order within a period of six weeks from the date of this order.

(iv) The Writ Petition is accordingly disposed of. There shall be no orders as to costs.

(v) Needless to state that in view of the matter being remanded back to the Respondent No.1 – GRC, eligibility of the Petitioner is kept open.

[R.I. CHAGLA, J.]