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

WRIT PETITION (L) NO. 22818 OF 2025

Swapnil Raghunath Medekar

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Prerak Sharma a/w Rushikesh Bhagat for the Petitioner.

Ms. Gauri Sawant AGP for the State.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 14th OCTOBER 2025

P.C.

1. Leave to amend to place on record a correct copy of Exhibit-E. Amendment be carried out during the course of the day. Re-verification is dispensed with.

2. This Petition is filed under Article 226 of the Constitution of India praying for the following substantive reliefs:-

“(a) that this Hon'ble Court be pleased to call for the records and proceedings pertaining to Appeal No. 95 of 2023 and upon considering the same, be pleased to quash and set aside the impugned Order dated 10th October 2024 (Exhibit "A" hereto) passed by the Grievance Redressal Committee (Mumbai City) in Appeal No. 95 of 2023 filed under the provisions of Section 35(1)(a) of the Maharashtra Slum Areas (Improvement, Clearance and Rehabilitation) Act, 1971 and the impugned Order dated 14th August 2023 (Exhibit "B" hereto) passed by the Additional Collector and Appellate Officer, Mumbai City under the provisions of Section 35(1) of

the Maharashtra Slum Areas (Improvement, Clearance and Rehabilitation) Act, 1971;

(b) that this Hon'ble Court be pleased to direct Respondent No. 3 or Respondent No. 4 to consider the case of the Petitioner with regards to eligibility for rehabilitation afresh on its own merits;

(c) that this Hon'ble Court be pleased to direct Respondent No. 3 or Respondent No. 4 to consider and decide the representation dated **30th May, 2025**, addressed by the Petitioner, with regards to eligibility for rehabilitation, in a time bound manner on its own merits.

(d) for costs of this Petition be provided;

(e) for such further and other reliefs as the nature and circumstances may require.”

2. The Petitioner is primarily aggrieved by the order dated 10th October 2024 passed by Respondent No.2-Grievance Redressal Committee (Mumbai City) in Appeal No. 96 of 2023 filed under the provisions of Section 35(1)(a) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (hereinafter referred to as “the Slum Act”) and the impugned Order dated 19th June 2023 (Exhibit "B" hereto) passed by Respondent No.3-the Additional Collector and Appellate Officer, Mumbai City under the provisions of Section 35(1) of the Slum Act. By the said orders, the Petitioner has been held ineligible in Annexure-II dated 2nd November 2022 published by Respondent No.4- Deputy Collector (Encroachment and Removal) in respect of B.D.D. Chawl Nos. 3 to 6, 11 to 15 and 30, N. M. Joshi Marg, Lower Parel, Mumbai-400013.

3. The only ground on which the Petitioner has been held ineligible in Annexure-II was on account of non submission of a documentary proof thereto

showing the existence of his hut/tenement prior to 1st January 2000. It is the Petitioner's contention that post rejection of his Appeals by Respondent Nos. 2 and 3 vide orders dated 19th June 2023 and 10th October 2024, the Petitioner visited the office of the Deputy Collector i.e. Respondent No.4 and upon making inquiries, the Petitioner was informed by the Office of Respondent No.4 that a record of the Petitioner's hut/tenement being included and verified in the slum survey which was carried out on 21st July 2000 was available in the said office. The Petitioner applied for a copy of the said record and was provided with a copy of the receipt bearing No.39559 dated 31st July 2000 issued by Respondent No.4 certifying that the hut/tenement of the Petitioner was duly surveyed on 21st July 2000. In pursuance of the aforesaid record available with the office of Respondent No.4, the Petitioner addressed a letter dated 30th May 2025 to Respondent Nos. 3 and 4 requesting them to review the case of the Petitioner in light of subsequently discovered documents/record. This letter/representation dated 30th May 2025 is pending consideration/decision before Respondent Nos. 3 and 4.

4. The grievance of the Petitioner is that such letter/representation needs to be taken to its logical conclusion and the same therefore ought to be looked into and decided in an expeditious manner as the law would mandate. Delay in deciding the said representation/letter is causing grave prejudice to the rights of the Petitioner.

5. In view of the limited reliefs prayed by the Petitioner in the present Petition and although there being no written opposition/reply of the Respondents and considering the nature of the orders which we propose to pass, no prejudice

would be caused to the Respondents. The following order would serve the ends of justice:-

ORDER

- i. Respondent No.3 shall consider and decide the pending application, dated 30th May 2025 filed by the Petitioner, in accordance with law and as expeditiously as possible, preferably within a period of six weeks from the date this order is made available to the said Respondent by the Petitioner.
- ii. Let all the parties be heard.
- iii. All rights and contentions of the parties are expressly kept open.
- iv. The Petition is disposed of in terms of prayer clause (c). No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)