

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17113 OF 2024

Nagendranath Mataprasad Gupta

...Petitioner

Versus

The Grievance Redressal Committee & Ors

...Respondents

**Mr. Amogh Singh, a/w Kailash Pathak, i/b Law Origin, for the
Petitioner.**

Mr. Santosh Mali, for Respondent No.3-BMC.

Mr. Abhijit Patil, for Respondent No.4.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : February 3, 2026

ORDER :

1. Rule. By consent of parties, made returnable forthwith and taken up for final hearing and disposal.

2. This Petition impugns an order dated October 24, 2024, by which a delay of 1020 days in filing of an Appeal by Respondent No.4 has been condoned. While the Impugned Order condones delay, the grievance of the Petitioner is that the very forum of Appeal under Section 35 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 was simply unavailable to Respondent No.4 as a person with no locus. Despite the jurisdictional issue of

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absence of locus being pointed out, the Grievance Redressal Committee has proceeded to condone the delay, which would vex the Petitioner with proceedings that are evidently not maintainable, purporting to only condone delay at this stage.

3. According to the Petitioner, it was held to be eligible for a rehabilitation unit under the Slum Rehabilitation Scheme by an order dated February 12, 2020. Possession of the rehabilitated premises is said to have been handed over to him in January 2021. The Appeal filed by Respondent No.4 has been pursued in December 2023, three years later, with the delay condonation application being allowed another ten months later, on October 24, 2024.

4. Mr. Singh on behalf of the Petitioner would point to three judgements / orders of this Court – one by a Learned Single Judge dated February 14, 2019 and two by Learned Division Benches dated September 13, 2022 and January 2, 2023. A bare reading of the said rulings by the relevant Benches would indicate that this Court has already declared the law on the subject to hold that unless there is a direct interest pursued by a person purporting to have a grievance with an order relating to the property in question or in the rehabilitation scheme in question, there would be no basis to entertain an Appeal by

such person. The extracts from the decision by the Learned Single Judge in Writ Petition (L) No.1151 of 2018 are noteworthy:-

10] I have heard learned counsel for the parties. Having perused the record, in my opinion, the petitioner would be correct in contending that a third party's complaint ought not to have been directly entertained qua the S.R.A. Scheme in question and when more particularly an order is already passed by the High Power Committee in regard to allotment of tenements and there are rights created in favour of the slum dwellers, and other legitimate allottees. Respondent No.4, thus, was not correct in persuading the Additional Collector (Encroachment and removal), to pass an order directing the Competent Authority of the SRA, to make an enquiry into the allotment and consider issues in regard to the Slum Rehabilitation Scheme. This for the reason that any person who has a legal right and legitimate claim for allotment of a tenement necessarily has to invoke the provisions of the Slums Act by invoking the specific grievance redressal mechanism as contemplated under the Act, in asserting such rights, if any. The method so adopted by respondent No.4, being a third party, approaching the authority is not proper.

11] If such intervention of a third party is entertained, it has two fold perils, firstly persons who have legitimate and vested rights are unnecessarily dragged into such complaint proceedings. Secondly, entertaining of such complaints creates an extra legal mechanism of redressal of grievances which is not recognized by law. The Slums Act provides for sufficient hierarchy of remedies for redressal of grievances, as would arise.

12] This apart, if such complaints are entertained at the department level, then there would be no end to such complaints being made by variety of persons for variety of reasons and whether bonafide or not causing serious prejudice to the smooth and effective implementation of the SRA Schemes. There is a possibility that such complainants would intend to avoid invoking the PIL jurisdiction of the Court as there are number of pre-requisites before a PIL is entertained and a given litigant may not pass muster when tested on such requirements to pursue a bonafide PIL.

13] For all these reasons, the Additional Collector, in my clear opinion, was not correct in passing the impugned order, which has the effect of creating a remedy not provided by law. It, thus, needs to be observed that if respondent No.4 has any, legitimate and justifiable grievance or any substantial material, it would be open for him to take recourse to appropriate remedy as permissible in law. All contentions in that regard are required to be kept open.

[Emphasis Supplied]

5. Likewise, the Learned Division Bench in Writ Petition (L) No. 32471 of 2022 has stated the following:

3. More fundamentally, we do not see how one person held to be eligible can seek the eviction of others or can demand a decision rendering them ineligible. The Petitioner has no legally enforceable right to any such order. The Petitioner's eligibility or that of his grandmother is unaffected by Respondents Nos. 4

to 7, whether they are held to be eligible or otherwise. It is for the SRA, the Deputy Registrar of slum societies and the developer to be concerned that only the eligible persons are re-accommodated in the rehab buildings. We are shown no provision of any applicable law that entitles one eligible slum dweller to seek the removal of any other slum dweller from the eligibility list.

[Emphasis Supplied]

6. It is common ground that these judgements have not been challenged and constitute the declared position in law. g challenged, the Learned Advocate for Respondent No.4 submits that the Impugned Order has taken care to leave the question on locus completely open and all that has been done at this stage is a condonaemnation of delay. He would submit that the entitlement allotted to the Petitioner is rooted in fraud inasmuch as the Petitioner, who is evidently ineligible, has been granted the premises because of misrepresentations and fraudulent demonstration of entitlement made by him.

7. Learned Advocate for the Petitioner submits that the Petitioner was once an employee of Respondent No.4 and they are not on good terms and these allegations have nothing to do with the entitlement to fin Appeal by Respondent No.4.

8. Having heard the parties and having seen the law declared in the judgements extracted above, it is clear that in the absence of any interest in the order by which a person claims to be aggrieved, there would be no basis for such a person to file an Appeal.

9. In these circumstances, it would be inappropriate to permit an Appeal to be pursued when there is an evident absence of an interest in the property in question. Therefore, while this Petition is allowed quashing the proceedings before the Grievance Redressal Committee for want of jurisdiction, it is made clear that any consequences in law for the alleged fraudulent conduct on the part of the Petitioner, if pursued, would not be interfered with by reason of this Petition having been allowed.

10. Any action for any alleged fraudulent entitlement being obtained would need to be pursued in accordance with law. Nothing contained in this judgement is an expression of an opinion on merits of the case of either the Petitioner or Respondent No. 4 in relation to the underlying allegations. The proceedings are being quashed for being a non-existent remedy as observed in the aforesaid extracts from the earlier judgements / orders.

11. This Petition is ***finally disposed of*** in the aforesaid terms.

12. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]