
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 18453 OF 2024

Pradip Baban Dhotre ...Petitioner

Versus

Grievance Redressal Committee & Anr ...Respondents

Mr. Daware V. Shyam, for the Petitioner.

None for Respondents.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : February 3, 2026

ORDER :

1. None for the Respondents. With the assistance of the Learned Advocate for the Petitioner, the Petition has been examined. Learned Advocate for the Petitioner points to judgement dated June 23, 2025 passed by a Learned Single Judge of this Court in Writ Petition No.100 of 2025, which evidently, covers another hutment in the very same project namely, the Airport Development Redevelopment (Extension) Project.

2. Exhibit 'F' to the Petition contains an Agreement for Sale dated June 28, 2013 by which the Petitioner, Pradip Baban Dhotre has proposed to acquire the hutment in question from the earlier owner Mr.

Mukesh Shahuraj Popale. Exhibit 'K' to the Petition which refers to the very same project, identifies the Petitioner as somebody who is in possession of the premises and also records the documentation that he relies upon namely, electricity bill, the purchase agreement and identification document dated July 30, 2013. He would point to the fact that while the hutment was in existence prior to January 1, 2000, he came into the picture only in 2013 but he has other evidence to demonstrate that he was living in the unit and this in fact borne out in the survey carried out pursuant to the Government Resolution dated May 16, 2015 (which is also Exhibit 'M' to the Petition).

3. Learned Advocate for the Petitioner would submit that the case is squarely covered by a decision taken by the judge in Writ Petition No.100 of 2025.

4. The Annexure-II dated May 30, 2017 (Exhibit 'A' to the Petition) thus records that the electricity bills of June 2013 are in the name of the Petitioner. It is in this light that the following extract from the judgment dated June 23, 2025 gain significance:-

8. This Court has considered the rival submissions in the context of GR dated 16.05.2015. A proper reading of the same would show that the crucial date i.e. 01.01.2000, as a qualifying date, is relevant in the context of verifying as to whether the hutment in

question was or was not in existence on the said date. There is no controversy that the aforesaid hutment indeed existed prior to 01.01.2000 and therefore, the GR dated 16.05.2015 would apply.

9. The contention sought to be raised on behalf of the contesting respondents that the petitioner would also have to demonstrate that she herself was residing in the said hutment prior to 01.01.2000, cannot sustain, simply for the reason that the aforesaid GR itself, while laying down criteria for eligibility, in paragraph No.1(c), contemplates a situation where the slum was in existence prior to 01.01.2000, but the person actually in possession came into picture thereafter. This is further evident from paragraph No.3(b) of the said GR. Therefore, there is no substance in the contention raised on behalf of the contesting respondents that since the petitioner, according to her own case, came into picture only in 2009, she cannot claim benefit of GR dated 16.05.2015 or that she would have to pay premium, as per the subsequent GR. In the facts of the present case, this Court has convinced that the petitioner is certainly eligible under GR dated 16.05.2015.

10. It is in this context that the contents of the survey report at Exhibit I assume significance. The said report shows that it is issued by the contesting respondents, which bears the signatures of the petitioner as well as two witnesses. There is a specific column therein for details of the person in possession of hutment, prior to the date of survey and another specific column, pertaining to a person other than the original person, who is in possession of the hutment on the date of the survey. Therefore, the survey itself contemplates a situation where the person in possession of hutment prior to 01.01.2000, has not continued in

possession and some other person had acquired possession of the hutment.

11. The survey report itself shows the name of the said Vimal Pote, as the person who was in possession of the subject hutment prior to the survey and it also specifically records the name of the petitioner, who came into picture later. In fact, the column pertaining to documentary proof submitted by such subsequent possessor i.e. the petitioner, shows that the documents such as Pan Card, Aadhar Card, Voters ID card, sale agreement, etc. were all produced by the petitioner. These documents also find mention in the present petition. It is also relevant to note that the said Vimal Pote has, at no stage, raised any clam with regard to the subject hutment.

12. In the face of such material, this Court fails to understand as to how respondent Nos.1 and 2 held against the petitioner. There was no reason for them to hold that it was difficult to fathom how the name of the earlier owner of hutment was found on the record. There was nothing difficult to understand the said position, for the reason that GR dated 16.05.2015 itself contemplates such a situation and the survey conducted by the contesting respondents itself shows that the details pertaining to such a situation are required to be verified during the course of conducting the survey.

13. The contention raised on behalf of the contesting respondents at this stage that the petitioner should have then satisfied the requirement of paragraph No.3(b) of the GR dated 16.05.2015, also deserves to be rejected, for the simple reason that the survey conducted by the contesting respondents itself

verifies all such information. A proper application of GR dated 16.05.2015 to the information that came on record pursuant to the survey dated 28.07.2015, would show that the petitioner ought to be held as eligible for relief under the slum rehabilitation scheme. In not doing so, the contesting respondents did commit an error and hence, the present petition deserves to be allowed.

[Emphasis Supplied]

5. In view of the foregoing, since evidently, the captioned proceedings are entirely covered by the aforesaid judgement, no useful purpose would be served keeping this pending any further. The Petition is allowed in terms prayer clause (a) which reads thus:-

“A. Because, the impugned order dated 05/12/2019 is ex-facie perverse, biased, illegal, Arbitrary, unreasonable, disproportionate and unsustainable in the eyes of law, as the impugned order is passed without application of mind to the contents. Hence, the same deserves to be quashed and set aside by this Court.”

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

7. 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.]