



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

WRIT PETITION NO. 4093 OF 2024

Lila Aeroshi Waghela (since deceased)

Aerasi Ghusa Waghela

...Petitioner

Versus

Apex Grievance Redressal Committee & Ors.

...Respondents

Mr. Ashwin S. Tripathi for the petitioner.

Mr. Milind More for respondent no. 1-AGRC.

Mr. Jagdish G. Aradwad (Reddy) for respondent nos. 2 to 6/SRA.

Mr. Prayag Joshi for respondent no. 9.

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

DATE: 28 JANUARY 2026

P.C.

1. This petition under Article 226 of the Constitution of India was filed by the petitioner-Lila Aeroshi Waghela, who has passed away during the pendency of this petition. Her husband, being her legal heir, has now been brought on record as the petitioner.

2. The case of the petitioner is that in respect of the slum scheme in question, the petitioner claimed to be an eligible slum dweller, and her name appears in Annexure-II as certified by the Competent Authority at Serial No. 33, a copy of which is annexed at Page 61 (Exhibit B) of the petition. It is the petitioner's case that the petitioner was put in possession of Flat No. A-502, however, the petitioner was illegally evicted on the ground that respondent no. 10/her son was occupying a rehabilitation flat, being Flat No. B-502. The petitioner contended

that she has no connection with the alleged illegal occupation of Flat No. B-502 by her son, and that, if such occupation of her son was illegal, action ought to have been taken against her son and not against the petitioner. However, under an order passed by the Apex Grievance Redressal Committee, the petitioner came to be evicted on 3 December, 2022.

3. After hearing the learned counsel for the parties, we find that the petitioner was an eligible slum dweller on which there is no dispute whatsoever. As categorically contended before us, respondent no. 10/son does not possess any authority of the petitioner/original allottee in respect of his occupation of Flat no. B-502. In fact action should have been initiated against him. We do not intend to delve on the issue as to whether Flat No. A-502 forms part of the rehabilitation component or whether it is a slum rehabilitation component or vice-versa qua Flat No. A-502. It is, however, open to the concerned developer as well as the SRA to take an appropriate position in respect of any illegal occupation by respondent no. 10, who is stated to be ineligible.

4. In the aforesaid circumstances, we are of the opinion that it would be in the interest of justice that the petitioner's possession of Flat No. A-502 be restored, with liberty to the SRA and the developer to take action against the alleged illegal occupation of Flat no. B-502. In the event, the possession of Flat No. B-502 is recovered in accordance with law, it shall be open to the SRA to deal with the same in accordance with law.

5. The petitioner be put in possession of Flat No. A-502 within 10 days

from today, which is stated to be lying vacant. This shall, however, be subject to the action required to be taken in respect of the alleged illegal occupation of Flat No. B-502, as observed hereinabove.

6. We have not expressed any opinion on any legal rights, if any, that may be asserted in favour of respondent no. 10. All contentions of the parties in that regard are expressly kept open.

7. Disposed of in the aforesaid terms. No order as to costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)