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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7598 OF 2023

Narmada Lalchand Rajbhar … Petitioner

V/s.

Additional Collector & Ors. … Respondents

ATUL GANESH KULKARNI

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Mr. Aniesh Jadhav with Mr. Pradeep Gaikwad and Mr. Shyam K. Singh for the petitioner.

Ms. Priyanka Chavan for respondent No.1-State.

Mr. R.Y. Sirsikar for respondent No.2-MCGM.

Mr. Dharam Jumani with Ms. Chandrika Prajapati and Ms. Sejal Padaya i/by Chandrika Prajapati for respondent No.3.

Ms. Tanaya Goswami for respondent No.5-GRC.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 10, 2025

P.C.:

1. In the instant writ petition, the petitioner challenges the impugned order passed by the Grievance Redressal Committee in Appeal No. 177 of 2022, which was filed under Section 35(1A) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971. The contention arises from the Committee's denial of relief on the ground that the petitioner's father-in-law is the holder of a structure under the slum rehabilitation scheme.

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2. The petitioner submits that she is the holder of the structure bearing No. 530, whereas her father-in-law is in possession of a different structure bearing No. 314. This factual delineation is critical to the determination of the petitioner's eligibility for the benefits under the scheme.

3. A perusal of the relevant Government Resolution reveals that the benefits under the housing schemes are conferred solely upon designated family members, the term "family" being defined expressly to include the husband, or wife, or his or her minor daughter or son. In the present matter, considering the statutory definition of "family" and the nature of the relationship between the petitioner and her father-in-law, it is contended that the fact that the father-in-law holds a structure cannot be construed as a disqualification to bar the petitioner from seeking her entitlement under the provisions of the Maharashtra Slums Act.

4. Moreover, the learned Counsel for the Municipal Corporation has averred that the structure held by the petitioner is distinct and separate from that held by her father-in-law. In view of this clarification, the impugned order issued by the Appellate Authority is rendered untenable and must accordingly be set aside.

5. In light of the foregoing considerations, the impugned order dated 23rd November 2022, passed in Appeal No. 177 of 2022, is hereby quashed and set aside.

6. Rule is made absolute in terms of prayer clause (b). No costs.

(AMIT BORKAR, J.)

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