

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 26437 OF 2023**

Nisar Ahmed Shaikh ...Petitioner
Versus
Apex Grievance Redressal Committee & Ors ...Respondents

Mr Jogendra Thakur, for the Petitioner.

**CORAM G.S. Patel &
Kamal Khata, JJ.
DATED: 9th November 2023**

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PC:-

1. Not on board. Mentioned. Taken on board.
2. The Petitioner says that he has filed an Appeal before the Apex Grievance Redressal Committee (“AGRC”). Even as that Appeal is pending, a notice has been issued on 8th September 2023 demanding vacant possession of what appears to be a rehab flat.
3. We say ‘appears to be’ because nothing is clear from the memo of the Petition itself. We have been able to discern some facts from the AGRC appeal memo that is annexed from page 88 of the Petition. It appears that the original slum structure was occupied by

one Mulchand Jadhav. Mulchand apparently transferred the structure to one Ram Narayan Mahadev Jaiswal in 2012 and then in 2014, Ram Narayan Jaiswal is said to have further transferred the structure to the Petitioner. But the Appeal itself accepts that this transaction was never completed in 2014. There is a mention of a “final settlement” in 2017. Ground “r” at page 20 suggests, though even this is not clear, that the Petitioner was allotted the rehab flat. The Petitioner is facing complaints from one Smt Lakhraji Mulchand Yadav. The appeal memo says that Lakhraji has filed criminal complaints at the instigation of relatives and that she herself has been allotted another flat in lieu of another slum hutment at Sangam Nagar which is unrelated to the present scheme. From what we are able to make out in the appeal memo before the AGRC, it was the Petitioner who was allotted the rehab flat in the present SR scheme at 505, 5th floor, Stellar Mansion, New Pratap Nagar SRA CHSL, Rafi Ahmed Kidwai Marg, Wadala Mumbai 400 031.

4. It is on this assessment of the facts that we have been able glean for ourselves from the papers that we are inclined to protect the Petitioner temporarily until 8th December 2023. The authorities are not to take any forceable or coercive action against the Petitioner. The Petitioner is not be removed from the flat mentioned above until that date.

5. List the Petition on 6th December 2023.

6. The Petitioner must give notice to all concern.

7. All concerned will act on production of an authenticated copy of this order.

(Kamal Khata, J)

(G. S. Patel, J)