

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3622 OF 2024

VAIBHAV
RAMESH
JADHAV
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Jagannath Balkrishna Sawant ... Petitioner

V/s.

The Tehsildar-III (Special Unit) of Slums
Rehabilitation Authority & Ors. ... Respondents

Mr. Vidnyan Daware with Mr. Akhil Kupade with Ms.
Pooja A. Jadhav for the petitioner.

Mr. Jagdish G. Reddy (Aradwad) for respondent Nos.1
& 5 (SRA).

Ms. Lata Wadhwani for respondent Nos.2 and 3.

Mr. Abhijeet P. Kulkarni with Ms. Sweta Shah for
respondent No.7.

Ms. V. S. Nimbalkar, AGP for the State/respondent
No.8.

CORAM : AMIT BORKAR, J.

DATED : MARCH 12, 2024

P.C.:

1. Aggrieved by order dated 27th June 2023 in relation to structure bearing No.269 under section 33 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, the petitioner filed an appeal before the Apex Grievance Redressal Committee. The Apex Grievance Redressal Committee recorded a finding in relation to Structure No.269 that name of Smt. Jankibai Babaji Jadhav was reflected as eligible resident and

she has been allotted a rehab flat in rehab building No.007 in Wing-D. The SRA scheme has been completed in the year 2005. It is also recorded that the petitioner does not have documents to show separate independent structure in the subject SRA scheme and he is not member of subject society.

2. According to the petitioner, his structure is not part of the scheme and, therefore, authorities under the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 have no power to initiate action under section 33 of the Act. To counter this, learned advocate for the SRA submits that order dated 27th June 2023 is restricted to structure bearing No.269 as per Annexure-II. He, therefore, states that the action under section 33 of the Act shall be restricted to structure bearing No.269.

3. Since the petitioner is not claiming any right over structure bearing No.269 which is part of the scheme and according to the petitioner, his structure is situated beyond SRA scheme, then he is right in submitting that the Slum Rehabilitation Authority cannot initiate action under section 33 of the Act against him.

4. Therefore, the writ petition is disposed of by clarifying that the action as per order dated 27th June 2023 shall be restricted to the structure bearing No.269 as per Annexure-II. If the petitioner's structure falls beyond the SRA scheme, such structure cannot be demolished by SRA.

5. With above clarification, the writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)