

Sumedh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 346 OF 2024

Royal Netra Constructions Pvt Ltd ...Petitioner
Versus
Slum Rehabilitation Authority & Ors ...Respondents

Mr Mayur Khandeparkar, *with Aditya Miskita, Nivit Srivastava,*
Amit Haikai i/b Maniar Srivastava Associates, for the Petitioner.
Mr Jagdish G Aradwad (Reddy), *for Respondent Nos 1 & 2-SRA.*
Mr Sukanta Karmakar, AGP, *for Respondent No 3-State.*

CORAM G.S. Patel &
Kamal Khata, JJ.
DATED: 30th January 2024

PC:-

1. By an order dated 10th January 2023 we quashed and set aside a generic communication on notice by the Slum Rehabilitation Authority (“SRA”) dated 20th April 2022 which listed a large number of slum rehabilitation projects and inter alia directed that these would stand terminated. A copy of our order is at page 74 at Exhibit “D”. We quashed and set aside the 20th April 2022 circular. On 27th October 2023, we clarified that where developers had accepted their termination or removal and ouster or exit from

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projects in question, the orders removing them would not be affected by our previous order of 10th January 2023 (reference page 101).

2. The present Petition seeks similar relief but in respect of the Petitioner, i.e., to say that the 20th April 2022 circular will not apply to the Petitioner. But what it also assails is a later guideline of 8th June 2022, a copy of which is at page 72. This guideline is also generic and in respect of several hundred recorded schemes. Certain directions for compliance are issued to all developers as a blanket instruction.

3. Mr Reddy for the SRA fairly states that if the 20th April 2022 communication has been quashed then the guidelines of 8th June 2022 cannot separately or independently survive. That is correct. That is the only point that is being canvassed by Mr Khandeparkar for the Petitioner.

4. Accordingly, we issue Rule, make it returnable forthwith and proceed to make it absolute in terms of prayer clauses (a), (b), (c), (d) & ~~(e)~~ which read as follows:

“(a) That this Hon’ble Court be pleased to issue a Writ of Certiorari, or any other appropriate writ, order or direction in the nature of Certiorari, quashing and setting aside the Impugned Notice/Communication dated 20th April, 2022, qua the Petitioner and slum rehabilitation schemes being propounded by the Petitioner on the Scheme Lands, being the slum rehabilitation schemes at Sr. Nos. 395, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 412, 418, 419, 420, 421, 422, 423, 424, 425 and 431 of the said Impugned

Notice/Communication dated 20th April, 2022;

(b) That this Hon'ble Court be pleased to declare that the Impugned Guidelines dated 8th June, 2022 is not valid, binding, subsisting and applicable to the Petitioner and the slum rehabilitation schemes being undertaken by the Petitioner on the Scheme Lands bearing CTS No. 1406/G/8, 1406/G/9C (corresponding to Survey No. 504 (part)), of Village Malad and CTS No. 50A (corresponding Survey No. 29A(part)) situated at Pahadi Goregaon, Goregaon (West), Taluka Borivali, Mumbai Suburban District, P/South Ward, being the slum rehabilitation schemes at Sr. Nos. 395, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 412, 418, 419, 420, 421, 422, 423, 424, 425 and 431 of the said Impugned Notice/Communication dated 20th April, 2022;

(c) That this Hon'ble Court be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction in the nature of Mandamus, directing Respondent No. 1 and/or Respondent No. 2, either through themselves or their delegates, to not enforce the Impugned Guideline dated 8th June, 2022, qua the Petitioner and the slum rehabilitation schemes being undertaken by the Petitioner on the Scheme Lands bearing CTS No. 1406/G/8, 1406/G/9C (corresponding to Survey No. 504A (part)), of Village Malad and CTS No. 50A (corresponding Survey No. 29A(part)) situated at Pahadi Goregaon, Goregaon (West), Taluka Borivali, Mumbai Suburban District, P/South Ward, being the slum rehabilitation schemes at Sr. Nos. 395, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 412, 418, 419, 420, 421, 422, 423, 424, 425 and 431 of the said Impugned Notice/Communication dated 20th April, 2022;

(d) That this Hon'ble Court be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or

direction in the nature of Mandamus, directing Respondent No. 1 and/or Respondent No. 2, either through themselves or their delegates, to process the proposals of the Petitioner qua the slum rehabilitation schemes being undertaken by the Petitioner on the Schemes Lands bearing CTS No. 1406/G/8, 1406/G/9C (corresponding to Survey No. 504A (part)), of Village Malad and CTS No. 50A (corresponding Survey No. 29A (part)) situated at Pahadi Goregaon, Goregaon (West), Taluka Borivali, Mumbai Suburban District, P/South Ward, being the slum rehabilitation schemes at Sr. Nos. 395, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 412, 418, 419, 420, 421, 422, 423, 424, 425 and 431 of the said Impugned Notice/Communication dated 20th April, 2022;

~~(c) — Pending hearing and final disposal of the present Petition, this Hon'ble Court be pleased to stay the effect, implementation, operation and execution of the Impugned Notice/Communication dated 20th April, 2022, qua the Petitioner and the slum rehabilitation schemes being undertaken by the Petitioner the Scheme Lands bearing CTS No. 1406/G/8, 1406/G/9C (corresponding to Survey No. 504A (part)), of Village Malad and CTS No. 50A (corresponding Survey No. 29A(part)) situated at Pahadi Goregaon, Goregaon (West), Taluka Borivali, Mumbai Suburban District, P/South Ward, being the slum rehabilitation schemes at Sr. Nos. 395, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 412, 418, 419, 420, 421, 422, 423, 424, 425 and 431 of the said Impugned Notice/Communication dated 20th April, 2022;”~~

5. We clarify that our order does not restrict the SRA from taking action against this or any other developer on a case-to-case basis in accordance with law.

6. No order as to costs.

(Kamal Khata, J)

(G. S. Patel, J)

Note: This order is modified as per order dated 12th February 2024. The corrections (by striking out the portion) are shown in paragraph 4.