

Sumedh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 726 OF 2024

Bandra Rajiv Nagar SRA CHSL (Proposed) &
Ors

...Petitioners

Versus

The Slum Rehabilitation Authority through its
Chief Executive Officer & Ors

...Respondents

Mr Mayur Khandeparkar, *with Shanay Shah, Chirag Balsara &
Smital Samant, i/b Tushar A Goradia, for the Petitioners.*

Mr Vijay D Patil, *for Respondent No 1-SRA.*

Mr Girish Utangale, *i/b Utangle & Co, for Respondents Nos 2 & 3-
MHADA.*

**CORAM G.S. Patel &
 Kamal Khata, JJ.**
DATED: 12th March 2024

PC:-

1. Mr Utangale has limited instructions. The Petition can be disposed of. Formally, we issue Rule and make it returnable forthwith. The relief sought in prayer clause (a) is this:

“(a) This Hon’ble Court be pleased to issue a Writ of Mandamus or a Writ in the nature of Mandamus or any other appropriate Writ, Order or direction directing the Respondents to take steps to finalize and issue the draft Revised Annexure II annexed at Exhibit “U” hereto and also include additional actual slum dwellers in accordance

with law in connection with the Slum Rehabilitation Scheme of the property situated at CTS No. A791 (Part), behind Jain Mandir, Bazar Road, Bandra (West), Mumbai 400 050;”

2. The draft Annexure II in respect of this project which is a Slum Rehabilitation Scheme at Bandra was ready in 2019. Paragraphs 24, 25 and 29 are important for our purposes. The reason these are significant is because of the intervening COVID-19 pandemic lockdown period. Shortly stated, what these paragraphs tell us is that the Deputy Collector on 4th February 2019 wrote to the Maharashtra Housing And Area Development Authority (“**MHADA**”) and asked for a decision on the eligibility as per the applicable Government Notifications. In the meantime, SRA issued approved plans and issued an Information of Approval (“**IoA**”) dated 7th February 2019 in favour of the 3rd Petitioner developer. The 3rd Petitioner wrote to MHADA with the request to verify the Annexure II. On 21st February 2019, the 3rd Petitioner reiterated its request for a reverification. The MHADA issued a public notice on 2nd March 2019, giving notice that it would conduct a biometric survey of all occupants or slum dwellers included in the Slum Rehabilitation Scheme from 18th March 2019. It would also verify documents. The biometric survey was actually carried out after 18th March 2019. Not long thereafter, because of the onset of the COVID-19 pandemic and the resultant lockdown, further progress was delayed. Internal correspondence resumed sometime in 2022 or 2023. Applications under the Right to Information Act, 2005 (“**RTI Act**”) showed that the Annexure II dated 19th October 2000 had been reverified and that a fresh draft Annexure II for 313 structures

had been prepared. There was a proposal to publish this revised draft Annexure II and to issue a public notice.

3. Copies of these documents are annexed to the Petition. This draft revised Annexure II has been ready since December 2022. Hence, the prayer today for a direction to MHADA represented by Mr Utangale to take all steps necessary to finalize and issue the final revised Annexure II in accordance with the draft Annexure II at Exhibit 'U' at page 191.

4. The only question that troubles Mr Utangale is as to the time within which this can be done. We will solve that problem for him. The reason we do this is that we are not permitting a further re-verification of the revised draft Annexure II. It has to be issued as it stands. Otherwise, this cycle of constant revisions will never end. The slum rehabilitation project will never get off the ground. So far even if nobody has vacated the structures at site, there is no doubt that those who are eligible are entitled to the benefits of a Slum Rehabilitation Scheme. We do not see how any public purpose is achieved by delaying the execution and implementation of a Slum Rehabilitation Scheme. It cannot start unless there is an Annexure II in hand because this determines the extent and nature of the construction in both the rehab and the corresponding free sale component.

5. As we noted, the biometric was completed in 2019 and the revised Annexure II itself is said to be dated December 2020.

6. If this be so, we do not see how a longer period can be required for the issuance of the final Annexure II. In any case, if there is any difficulty, there is always a provision and a mechanism to issue a supplementary Annexure II in an appropriate case. There is no requirement that the Annexure II must be perfect in every regard. As it is, enough verification and reverification has already been done. A biometric survey has been carried out. Nothing further can be expected.

7. Rule is made absolute in terms of prayer (a). MHADA will issue the final revised annexure II (as per Exhibit “U”) by 2nd April 2024.

8. The Petition is disposed of in these terms. No costs.

(Kamal Khata, J)

(G. S. Patel, J)