

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUO MOTO WRIT PETITION NO.1 OF 2024

IN RE : PERFORMANCE OF AUDIT OF THE
MAHARASHTRA SLUM AREAS (IMPROVEMENT,
CLEARANCE AND REDEVELOPMENT) ACT, 1971.

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Ms. Gayatri Singh, Senior Advocate a/w Ms Sanjot Shirsath for Slum Dwellers, namely, 1. Mumbai Rahivasi Mahasangh, 2. Paschim Upnagar Rahivasi Mahasangh, 3. Bhadekaru Kruti Samiti (An umbrella organization of slum dwellers), 4. Shramik Janata Sangh, Regd No. 5073, 5. Jan Haqq Sangharsh Samiti, 6. Hussain Indorewala, Asst. Professor Vidyanidhi Insitutue of Architecture & Envoronment Studies, 7. Simpreet Singh, Researcher, 8. Park Site Self Development Andolan, 8. Niwara Abhiyan, Mumbai.for the Petitioner.

Mr. B.B. Tiwari i/b. B.B.T. Legal for Budhpur Buildcon Pvt. Ltd.

Ms Shweta Patankar for Respondent No.7-BMC.

Mr. Santosh Pathak a/w. Chirag Thakkar i/b. Laworigin For Intervener (D.G.S.Devlopers).

Dr. Birendra Saraf, AG a/w. Smt. Jyoti Chavan, Addl.G.P., Mr. Chirag Shah, Spl.Counsel, Mr. Vikrant Parshuraami, AGP, Mr. Vaibhav Charalwar, 'B' Panel Counsel & Mr. Jay Sankelcha, 'B' Panel Counsel for State.

Mr. Rajiv Kumar, Senior Advocate a/w. Ms Sheetal Kumar & K.G. Munshi for Private Land Owners.

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Mr. Vishal Acharya for Prerna Sahakari Grihnirman Sanstha.
Mr. Sahil Mahajan for Adarsh Sahakari Grihnirman Sanstha on behalf of Slum Dwellers.

Mr. Sanjeev Chimbalkar, Chairman, Mumbai Bhadekaru Sangh.

Mr. Nitesh Acharya for SRA Bar Association.

Mr. Altaf Khan for Slum Dwellers (Abdul Samad Maknojia)

Mrs. Jasmine Kachliya, Mr. Aryan Srivastava i/b. Wadia Ghandy & Co. for NAREDCO.

Mr. Sagar Batavia for Slum Dwellers.

Mr. Vidnyan Daware for SRA Aani Punarvasan Zopdidharak Sena.

Mr. Ayaaz Fazulbhoy for Private Landowers.

Ms Indu Preshant for Slum Developrs Association in proposed interim application.

Mr. R.P. Shirole i/b. Mr. Vishal Hegde for Slum Dwellers.

Mr. Mayur Khandeparkar a/w. Samit Shukla, Siddharth Shah, Masira Shaikh i/b. DSK Legal for Intervenors/Applicants in IAL/25664/2024.

Mr. Nilesh Gala a/w. Maish Gala, Mithil Sampat i/b. Rera Practitioner Welfare Association.

Ms Sayali Apte i/b. Mr. P.G. Lad for Respondent-MHADA.

Mr. Umesh Badkhe, Executive Engineer for SRA.

Ms. Anita Thakkar, Law Officer, SRA.

**CORAM : G.S. KULKARNI &
SOMASEKHAR SUNDARESAN, JJ.**

DATE : AUGUST 16, 2024

P. C.

1. In pursuance of the directions of the Supreme Court in **Yash Developers vs. Harihar Krupa Co-operative Housing Society Limited & Ors.** (Civil Appeal No.8127 of 2024 arising out of SLP (C) No.20844 of 2022), the Hon'ble the Chief Justice was pleased to constitute the present Bench to address the issues on the 'performance audit', of The Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971.

2. Today is the first listing of the proceedings. Briefly we have heard Dr. Birendra Saraf, learned advocate general representing the State of Maharashtra as also the Slum Rehabilitation Authority, Ms Gayatri Singh, learned senior advocate appearing for a body of the slum dwellers, Mr. Mayur Khandeparkar, learned counsel appearing for the CREDAI-MCHI, Ms. Shweta Patankar, learned Advocate for Respondent No.7-BMC. Also there are other learned counsel who have represented the developers, land owners and slum dwellers, the SRA Bar Association, the RERA Practitioners Association whose

appearances we have already noted.

3. We have broadly discussed the issues which would fall for consideration of the Court in terms of the observations of the Supreme Court in **Yash Developers** (supra) and more particularly, as observed in Paragraph Nos.34 & 42 of the said judgment. As there is nothing adversarial in the present proceedings, learned counsel representing the different stakeholders have fairly stated that they would assist the Court by filing their respective affidavits setting out the suggestions/ propositions, so as to identify multitude of challenges and problems, in relation to the redevelopment of slums, and more particularly the nine issues as highlighted by the Supreme Court in Paragraph No.34 of the said judgment, so as to achieve the object of the legislation, which is to completely eradicate slums by providing a decent living to our brother and sister citizens, who are living in slums, and to achieve a vision of a slum free city.

4. Let the respective affidavits with the propositions as annexed thereto be placed on record on or before 18th September, 2024. As observed by the Supreme Court in Paragraph 42, we also appoint **Mr. Darius Khambata** and **Mr. Sharan Jagtiani**, learned senior advocates of this Court as also **Ms. Naira Jejeebhoy**, advocate, as the *Amici Curiae*.

5. We would request the learned counsel appearing for all the parties to forward copies of the affidavits and the propositions they intend to file to Mr. Samir Shukla, Advocate, who would receive all such affidavits/propositions which are then to be forwarded to the learned *Amici*.

6. Stand over to **20th September, 2024** on the Supplementary Board.

[SOMASEKHAR SUNDARESAN, J.]

[G.S. KULKARNI, J.]