

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11557 OF 2024**

Jaywant Dattatray Pandere & Ors

...Petitioners

Versus

The State of Maharashtra & Ors.

...Respondents

WITH
INTERIM APPLICATION ST. NO.23322 OF 2025

Ms Rekha Musale a/w Ms Pooja Thorat for Petitioners.

Mr. Kedar Dighe, Addl GP a/w Ms S. A. Prabhune AGP for State.

Mr. Deepak More for SRA – Respondent No.2.

Mr. A. A. Kumbhakoni, Senior Advocate a/w Mr. Manoj Badgujar for Respondent No.8.

Ms B. R. Mangale for Applicant.

**CORAM : G.S. KULKARNI &
ARIF S. DOCTOR, JJ.
DATE : 5th AUGUST, 2025.**

P.C:

1 We have heard the learned counsel for the parties.

2 This Writ Petition is filed by three slum dwellers, who are part of the 856 slum dwellers, who are occupying the land belonging to the Pune Municipal Corporation. The said land was declared as slum. Under the beneficial policies of the State Government as implemented by the Slum Rehabilitation Authority (SRA), a slum rehabilitation scheme was taken up by the SRA-Respondent No.2. The Respondent No.8 has been appointed as the developer to develop the slums in question.

3 Mr. Kumbhakoni, learned Senior Counsel for the Respondent No.8 has

appraised us on the steps been taken to implement the scheme. His submission, at outset, is that 30 slum dwellers out of 856, are creating continues difficulties in the smooth implementation of the project. He has also placed on record latest position in so far as status of the construction of the buildings where the slum dwellers would be rehabilitated. We find that substantial progress has been made. In fact construction of two of the buildings has substantially progressed which has reached upto 7th floor slab. We find from the photographs as also not disputed on behalf of the Petitioner that it is a massive construction activity, which is being undertaken. It is on such backdrop the Petitioners / three slum dwellers are before the Court in the present proceedings making the following prayers :

- “a. This Hon'ble Court may be pleased to issue writ of certiorari, mandamus or any such other appropriate writ or order thereby directing the Respondent No. 2, 7 and all other concerned Respondents to take all necessary steps to implement the Slum Rehabilitation Project in the final Plot No.28, (S.No.135/133) in its true sense and by considering the Petitioners grievances;
- b. By an appropriate order & or direction of this Hon'ble Court, to the that the Lay Out Plan dated 5th January, 2024 sanctioned by the Respondent No.7 of the final Plot No.28, (S.No.135/133) be quash and set aside;
- c. By an appropriate order & or direction of this Hon'ble Court, to the Respondent No.2 to 7 sanction the fresh or new development plan and Revised Administrative Approval of final Plot No.28, (S.No.135/133) after considering the Petitioners complaints;
- d. By an appropriate order & or direction of this Hon'ble Court, the Commencement Certificate dated 15th March, 2024 for the development of final Plot No.28, (S.No.135/133) issued by the Respondent No.2 be quash and set aside;
- e. By an appropriate order & or direction of this Hon'ble Court, the Commencement Certificate dated 22nd May, 2024 for the development of final Plot No.28, (S.No.135/133) issued by the Respondent No.2 for free sale be quash and set aside;
- f. By an appropriate order & or direction of this Hon'ble Court to the Respondent No.8 to pay the rent as per the law and the rate available at the area final Plot No.28, (S.No.135/133), Sadashiv Peth, Pune.”

3 There is also an intervention application filed by 30 slum dwellers, who are supporting the Petitioner. Learned Counsel for the Petitioner has drawing our attention to the prayers as made contended that nature of the building being constructed, ought not to be permitted to be constructed, as it would be inappropriate to house the slum dwellers in these buildings as planned. There are contentions which are raised, which possibly do not fit into the parameters of the permissions which are already accorded on which the construction has progressed. We also find that there is no challenge to the sanctioned plans. In our opinion, it is certainly too late for the petitioners to canvass such contentions at this stage of the project as such demands would be certainly unreasonable, especially considering that the petitioners being slum dwellers, are entitled to free permanent alternate accommodation and they cannot have a higher right to the slum dwellers.

4 We also cannot halt the construction, which has substantially progressed, and more particularly when large investments have been made by Respondent No.8. If there were any grievances regarding the slum scheme being implemented, the petitioners could have raised grievances at the appropriate time.

5 In the aforesaid circumstances, we are not inclined to entertain this petition. However, we observe that in the construction being undertaken by Respondent No.8, adequate lift facilities, ramps, etc., be provided for senior citizens. We are informed that each building has one stretcher lift and two

passenger lifts having capacity of 15 peoples in each lift. In our opinion, these requirements as sanctioned by the SRA. In the aforesaid circumstances, cannot issue any directions to change the layout as sanctioned by the SRA.

6 We are also informed by Mr. Kumbhakoni that transit rent has already been paid to all the eligible slum dwellers. In the event, any slum dweller is not paid the transit rent, he is free to make a representation to the Chief Executive Officer of SRA, Pune. The same shall be immediately forwarded to the Respondent No.8, who shall take further steps to release the transit rent, if not already paid, within a period of 15 days from the receipt of such communication from the Chief Executive Officer of the SRA.

7 We also make it clear that those slum dwellers, who are not interested to have the tenements, they are free to surrender their tenements to the SRA.

8 Accordingly the Petition is dismissed, however, subject to above observations.

9 Interim application also does not survive and accordingly stands disposed of.

10 No costs.

[ARIF S. DOCTOR, J.]

[G.S. KULKARNI, J.]