

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3192 OF 2025

Charan Harbans Singh ... Petitioner

Versus

The Chief Executive Officer, Slum Rehabilitation
Authority & Ors. ... Respondents

WITH
INTERIM APPLICATION (STAMP) NO. 28908 OF 2025
IN
WRIT PETITION NO. 3192 OF 2025

Navin Venkate Gowda ... Applicant

In the matter between

Charan Harbans Singh ... Petitioner

Versus

The Chief Executive Officer, Slum Rehabilitation
Authority & Ors. ... Respondents

.....

Mr. Shakil Ahmed a/w. Ms. Arati Roy for the Petitioner.

Mr. Vishwanath Patil a/w. Mr. Akshay Naidu for Respondent Nos. 1 and 2 (SRA).

Mr. Nadim Malik i/b Mr. Rajendra Rathod for Respondent No.3.

Mr. Dhruv B. Jain for the Applicant in IAST 28908/2025.

CORAM : **G. S. KULKARNI AND**
AARTI SATHE, JJ.
DATED : **15th SEPTEMBER, 2025.**

P.C. :

1. We have heard learned counsel for the parties.
2. This petition under Article 226 of the Constitution of India is filed praying for the following substantive reliefs: -

- “(a) Rule may kindly be issued in the present writ petition;
- (b) That by an appropriate writ, order or direction of this Court be pleased to direct the Respondent Nos.1 and 2 to forthwith provide the permanent alternate accommodation to the Petitioner as provided to other slum dwellers in the said scheme as per the allotment letter dated 29.04.2024;
- (c) Pending the hearing and final disposal of the present petition this Court may be pleased to direct the Respondent No.2 to provide the permanent alternate accommodation in respect of residence for the Petitioner in the nearby vicinity of the Mumbai City;
- (d) Pending the hearing and final disposal of the present petition this Court may be pleased to direct the Respondent No.2 to provide rent to the Petitioner;”

3. On 09.07.2025 a co-ordinate Bench of this Court of which one of us (G. S. Kulkarni, J) was a member passed the following detailed order: -

“1. The petitioner is stated to be an allottee of SRA tenements No.901 in the Shanti Nagar SRA Sahakari, Cooperative Housing Society Limited, CS No.12 (Part), Sion Division, GTB Nagar, Mukundrao Ambedkar Marg, Wadala, Mumbai – 400037. The allotment letter in regard to the said tenement dated 29 April 2024 forms part of the petition [at Exhibit - M page no. 37 of the paper book].

2. The petitioner contends that the petitioner is not being put in possession of the said tenement, despite such allotment which was almost over a year back. It is his case that in fact some person illegally and without any allotment letter in his favour, has illegally entered the said premises depriving the petitioner of his legitimate entitlement. This contention of the petitioner is also confirmed by Mr. Patil, learned counsel for the Slum Rehabilitation Authority. He has submitted that earlier on more than three occasions, steps were taken, as also the police were requested to give police protection to remove such illegal occupant, who has already been issued notice and due procedure in law followed in getting the said tenements vacated. He states that although three letters namely dated 25 July 2024, 26 November 2024 and 10 December 2024, were issued to the officer in charge of the Police Station, however, no police protection was provided.

3. The developer – respondent No.3 is represented by advocate Mr. Nadim. There is a apprehension of Mr. Patil that the person who is inducted by respondent No.3.

4. In the aforesaid circumstances, we would have no alternative but to permit the SRA to follow the due process of law and to get the said tenement vacated from such illegal occupation of a non allottee, and if such action in accordance with law is to be taken, necessary police protection needs to be provided for by the officer incharge of the local police station.

5. However, learned counsel for respondent No.3 – Developer

intends to take instructions and place on record an affidavit and more particularly when we made a query as to whether respondent No.3 has inducted a third party in possession of such tenements and as to what is the position in regard to payment of transit rent as the petitioner was held to be eligible and his name appearing in Annexure – II.

6. Let an appropriate affidavit to that effect be placed on record. List the proceedings on 16 July 2025 (H.O.B.).

7. Till the adjourned date of hearing, the tenement in question, in any manner whatsoever should be permitted to be dealt and the details of the person who are in possession be also furnished by respondent No.3 or the SRA.”

4. Thereafter, on 19.08.2025 the Co-ordinate Bench has passed the following order: -

“1. Stand over to 21 August, 2025 as we are informed by Mr. Patil, learned counsel for the SRA on instructions that the unauthorized occupants would be evicted tomorrow. A communication received by him to that effect is also taken on record.

2. On the adjourned date of hearing, let the developer also place on record an affidavit stating as to how such unauthorized persons were evicted.

3. List intervention application along with this petition on the adjourned date of hearing.”

5. The compliance of the aforesaid orders was recorded in the further order passed by the co-ordinate Bench of this Court of which one of us (G. S. Kulkarni, J) dated 21.08.2025. The said order reads thus: -

“1. On the backdrop of our order dated 9 July 2025, we have heard learned Counsel for the parties today.

2. Mr. Patil, learned Counsel appearing for Slum Rehabilitation Authority, on instructions, has made a statement that the possession of the tenement in question, which was in unauthorized occupation of a third party one Ms. Seema Sharma, has been taken over in accordance with law on 20 August 2025. A communication to that effect issued by the Assistant Registrar (Co-operative Societies) SRA, Mumbai, addressed to the Legal Department of the SRA dated 20 August 2025 annexing panchanama of taking over of the possession, is placed on record, which is marked ‘X’ for identification.

3. Mr. Patil, learned Counsel for SRA states that now the possession of the said tenement [tenement No.901] in the building in question shall be handed over to the petitioner within 48 hours from

today. Considering our detailed order dated 9 July 2025, the SRA needs to do so. We accept Mr. Patil's statement. We, accordingly, make the proceedings returnable for compliance on 8 September 2025. First On Board.

4. We also have an Intervention Application filed by Mr. Navin Venkate Gowda. It appears that there is a inter se dispute which is sought to be raised by the intervenor against the petitioner. If this is so, considering that the part occupation of the building is granted in the year 2023 and there was certainly an embargo in respect of any transfer of the slum tenements to any third party, it is difficult to accept that any legal transfer of the tenement can take place in favour of any third party. Be that as it may, we are informed that a civil suit has already been filed by the intervenor. If that be so, all contentions in such civil suit, are necessarily required to be kept open. We are not aware whether the SRA is impleaded in such suit, as the SRA would be necessary party in the civil suit which concerns a slum tenement, of which the petitioner as the record of the SRA would indicate is the lawful allottee as clearly urged on behalf of the SRA.

5. Before parting we also find that the petitioner has raised an issue of transit rent which is stated to have not been paid to him since 2018. Hence, the arrears of such amounts would be required to be paid to the petitioner as the rules would mandate. An application to that effect is already made by the petitioner and which is now being taken into consideration by the SRA as seen from the communication dated 31 October 2024 addressed to respondent No.3-developer. Thus, necessary orders are required to be passed in that regard by the Competent Authority of the SRA. In this context, we refer to the decision of this Court in Shakir Ahmad Shah Vs. Apex Grievance Redressal Committee & Ors. 1 (Writ Petition No.3464 of 2022) wherein in paragraph 5, the following observations were made by the Court:-

"5. The next issue which remains to be considered is in regard to transit rent. Admittedly, the transit rent has not been paid to the petitioner. The same would be required to be quantified. We direct the Slum Rehabilitation Authority to quantify the transit rent which was due and payable to the petitioner. Let an application to that effect be made by the petitioner to the Chief Executive Officer and the same be considered in accordance with law. If amounts are available from any security deposit which the developer-HDIL had maintained with the SRA, the petitioner shall be paid the transit rent from such amount with reasonable interest of 6% p.a. All contentions of the parties in that regard are expressly kept open."

6. Accordingly, the Chief Executive Officer, SRA, shall decide the issue of transit rent on or before the adjourned date of hearing and necessary orders in that regard be passed after hearing the petitioner and respondent No.3. Needless to observe that it would be an obligation of respondent No.3 to pay transit rent in accordance with law, if the same has not been paid to the petitioner and of which the SRA has already taken cognizance. All contentions of the parties in that regard are already kept open.

7. We may also clarify that our aforesaid observations are in the

facts which are before us in the present proceedings as canvassed by the petitioner and the SRA. If there are any other proceedings pending between the parties, the parties are free to raise their contentions in the pending proceedings.

8. The petition accordingly stands disposed of in the aforesaid terms. No costs.

9. Stand over to 8 September, 2025 (H.O.B) for compliance.”

6. Thereafter, the proceedings were heard by this Bench on 08.09.2025 when we had heard the learned counsel for the parties on transit rent and passed the following order:-

“1. These matters are kept today for compliance of the order dated 21st August, 2025 passed by the Co-ordinate Bench of this Court.

2. Today when the matter has been called out, Mr. Patil, the learned Advocate for SRA informs us that possession of the tenement is already handed over to the Petitioner. It is further informed by Mr. Patil that by a communication dated 5th September, 2025 addressed to Respondent No.3 an amount of Rs. 17,25,422/- (inclusive of interest) be paid to the Petitioner within 15 days towards the arrears of the transit rent.

3. Mr. Patil would now take instructions as to when the said amount shall be paid to the Petitioner by the SRA from the deposits of the developer available with the SRA or otherwise.

4. We accordingly adjourn the proceedings to 15th September 2025 [HOB].”

7. On the aforesaid backdrop, the proceedings are before us today. Mr. Patil, learned counsel for the SRA, has placed before the Court the demand draft drawn in favour of the petitioner by the SRA of an amount of Rs.11,50,000/- being payment towards transit rent. It is submitted that there is a balance of Rs.5,75,422/- which would now be paid by the developer-respondent No.3. Let the same be paid within two weeks from today. There shall not be any further extension in this regard.

8. Needless to observe that insofar as the premises are concerned, the intervener is ascertaining his rights. We keep open all contentions of

the intervener.

9. Considering the earlier orders and now that the arrears of transit rent are received by the petitioner, further adjudication of this petition is not called for.

10. Accordingly, the petition is disposed of keeping open all contentions of the parties in any other and further proceedings, if they arise.

11. Interim Application would also not survive. It is accordingly disposed of.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)