

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 & Ors.

...Respondents

Mr. Shakil Ahmed a/w Babita Kesharwani for Petitioner.

Mr. Vishwanath Patil for Respondent No.1 – SRA.

Mr. Nadim M. for Respondent No.3.

CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.

DATE: 09 JULY 2025

P.C.

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 incharge 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.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)