

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, S.R.A. & Ors.	...Respondents

with
INTERIM APPLICATION (ST) NO. 28908 OF 2025
(NOT ON BOARD)

Mr. Shakil Ahmed with Babita Kesharwani, for Petitioner.

Mr. Vishwanath Patil with Akshay Naidu with Nidhi Chavhan, for Respondent
Nos.1 & 2 -SRA.

Mr. Sohail Ahmed i/b. Mr. Rajendra Rathod, for Respondent No.3.

Mr. Aseem Naphade with Mr. Dhruv B. Jain, for Intervenor in IA st.No.28908/25.

Mr. Veerdhaval Jadhav, Co-operative Officer, SRA, City Mumbai present.

CORAM:
G. S. KULKARNI &
MANJUSHA DESHPANDE, JJ.

DATE: 21 August 2025

P.C.

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.

¹ WP 3464 of 2022, Order ddt. 8.8.2025

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.

(MANJUSHA DESHPANDE, J.)

(G. S. KULKARNI, J.)