

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8304 OF 2025

Tulsidas Nair .. Petitioner
Vs.
The State of Maharashtra and Ors. .. Respondents

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Mr .M.V. Holamagi, advocate for the petitioner.

Mr. M.P. Thakur, AGP for respondent no.1 – State.

Ms. Ravleen Sabharwal, advocate for the respondent–SRA.

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

DATE : 3rd SEPTEMBER, 2025.

P.C. :

Prima facie we are of the opinion that the petitioner is entitled to three residential and three commercial tenements, as seen from the order dated 28th February, 2017 issued by the Slum Rehabilitation Authority (hereinafter referred to as, “SRA”, for short) as also by an order dated 13th January, 2016, again issued by the SRA. It is these allotment orders which are being pursued by the petitioner, as the petitioner is yet to be granted the benefit of such orders. It appears to us that the SRA is not disputing the entitlement; however, the grievance is that the premises are not available. We are quite surprised at such a stand of the SRA.

2. Further, across the bar, despite a reply affidavit being filed by competent authority, an order dated 19th June, 2024 passed by the Chief Executive Officer,

SRA, is placed on record; to contend that, in view of such orders, the petitioner's contentions cannot be accepted. Mere tendering of the said order across the bar ought not to suffice more parts unless when it is based on fixed documents as noted in the reference paragraph of the said order, which are not on record: which was an application received by the Khandawala SRA Society dated 30th May, 2024. Without having all these reference documents on record, including the decision taken by the Hon'ble Chief Minister, we cannot consider a plea being raised on behalf of the SRA in terms of the said communication dated 19th June, 2024, which is stated to be addressed to the petitioner.

3. Mr. Holamagi, on instructions of his client who is present in Court, submits that such a communication was never received by the petitioner. Even such position be clarified as to in what manner the said communication, although addressed to the petitioner, was not forwarded, or no steps were taken in this regard and for the first time, after the affidavit is filed, such document is presented before the Court. Let a detailed additional affidavit be prepared on behalf of the SRA and be placed on record of this Court within one week.

4. We are informed by Mr. Holamagi that in SRA building no.5, premises are available. However, the petitioner is being prevented from entering the building, that too at the instance of some anti-social elements. We are also informed by Mr. Holamagi that the society is ready and willing to accept the petitioner's allotment in respect of the tenements as entitled under the orders noted by us hereinabove.

5. We cannot countenance the position that the Officers of the SRA can conduct themselves in such a manner as it would deprive the petitioner of the legitimate entitlement of the premises, once such orders dated 28th February, 2017 as also the order dated 30th January, 2017 are legal, valid, and subsisting as on date.

6. We accordingly direct that within one week from today, on a mutually convenient date, the representative of the Chief Executive Officer along with the petitioner shall visit building no.5 and identify the vacant premises. Appropriate police protection shall be made available during such visit. The report of the visit along with the premises found to be available shall be placed on record by the Chief Executive Officer, SRA, on or before the returnable date.

7. Thus, awaiting the reply affidavit and compliance of the aforesaid directions, we adjourn the proceeding for two weeks.

8. Stand over to **17th September, 2025**, to be listed High on Board.

9. Till the adjourned date of hearing, in the event there are any tenements which are vacant, no third-party rights be created in respect of building no.5.

10. The Officer-in-Charge of the Local Police Station shall act on an authenticated copy of this order in providing police protection, if demanded by the designated officers of the SRA.

[**MANJUSHA DESHPANDE, J.]**

[**G.S. KULKARNI, J.]**