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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11730 OF 2025

Ghatipada Co.op. Hsg. Society
Through Chief Promoter and Ors.

...Petitioners

Versus

Slum Rehabilitation Authority
Through Chief Executive
Officer and Ors.

...Respondents

Mr. Aseem Naphade a/w Mr. Tushar Kochale, Dr. Ajay Jankar, Mr. Yash Jadhav, Ms. Shubhechha Kasrung and Ms. Pradnya Bhuite for Petitioners.
Mr. Ravleen Sabharwal a/w Ms. Aarushi Yadav for Respondent Nos. 1 to 5.
Ms. P.J. Gavhane, AGP for State/Respondent Nos. 6 and 7.
Dr.Yusuf Iqbal Yusuf a/w Ms. Shaista Pathan, Mr. Delnavaz Patel, Ms. Shriya Nalawade i/b Trilegal for Respondent No.8.

**CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.**

DATE: 8 SEPTEMBER 2025

P.C.

1. Not on board. Taken on Board, on a praecipe as moved on behalf of Petitioner.

2. This Petition is filed under article 226 of the Constitution of India praying for the following substantial reliefs :

A. That this Hon'ble Court be pleased to call for records and proceedings from the Respondent No. 1 – Slum Rehabilitation Authority of the Slum Rehabilitation Scheme, Revised Letter of Intent dtd. 30.11.2021, 01.12.2023, 24.05.2024 issued by the Slum Rehabilitation Authority, Final Annexure - II dtd. 09.05.2024 issued by the Competent Authority-8, SRA, and all permissions, sanctions, acts, pursuant thereto, Eviction Order dtd. 23.07.2025 passed by the Respondent No. 4- Dy. Collector (Special Desk) SRA, on "Slum Plot of Ghatipada Rahivasi CHS".

B. After scrutinizing legality, validity and propriety of the Slum Rehabilitation Scheme on "Slum Plot of Ghatipada Rahivasi CHS" and all permissions, sanctions granted to it, this Hon'ble Court exercising powers under Articles 226, 227 of the Constitution of India, be pleased to quash and set aside

(i) said Slum Rehabilitation Scheme, on "Slum Plot of Ghatipada Rahivasi CHS"

(ii) Revised Letter of Intent dated 30.11.2021, 01.12.2023, 24.05.2024 issued by the Respondent No. 2-CEO – SRA [Exhibits -]

(iii) Annexure - II dtd 09.05.2024 prepared and issued by the Respondent No 3 -Competent Authority - 8, SRA, [Exhibit -]

(iv) all permissions, sanctions and acts on the basis of Revised Letter of Intent dtd. 30.11.2021, 01.12.2023, 24.05.2004 and Annexure - II dtd. 09.05.2024,

by declaring the same as illegal, arbitrary, null and void.

C. After scrutinizing legality, validity and propriety of the impugned Eviction Order dtd 23.07.2025 [Exhibit -] passed by the Respondent No.4 - Dy. Collector (Special Desk) SRA claiming powers u/s. 33, 38 of the Maharashtra Slum Act, 1971, against structures of Petitioner Nos. 2 to 252, this Hon'ble Court exercising powers under Articles 226, 227 of the Constitution of India, be pleased to quash and set aside the same by declaring the same as illegal, arbitrary, null and void.

3. After this Petition was heard for some time, Mr. Naphade fairly submits that the Petitioners have already approached the Apex Grievance Redressal Committee (for short "AGRC") in an appeal assailing eviction proceedings initiated against them. Mr. Naphade submits that the Petitioners are ready and willing to move an urgent application for ad-interim reliefs in the pending appeal before the AGRC. It is hence requested that to enable the Petitioners to do so, the demolition scheduled for tomorrow be deferred for some time. Respondent No. 8 (owner/the developer) is undertaking a slum rehabilitation scheme on a large area of land measuring 1,32,383 Sq. meters which includes the land admeasuring 11,250 Sq. meters with which the petitioners are concerned.

4. In our opinion, it is appropriate that at this stage of the proceedings, we accept the request as made by Mr.Naphade. We accordingly order that the demolition be deferred for a period of 10 days from today. This is merely to enable

the Petitioners to move an application before the AGRC seeking urgent ad-interim orders in the petitioners' Appeal. The aforesaid orders passed by us in no manner whatsoever, shall be construed to be a reflection on the merits of the rival contentions of the parties. The AGRC shall decide the application which may be filed by the petitioner or the appeal on its own merits and without being influenced by the present order.

5. Needless to observe, that if the AGRC is not accepting Petitioners application or in the event protection is not granted to the petitioners, the SRA is allowed to take further appropriate actions on the scheduled date of demolition.

6. Thus, keeping open all the rights and contentions of the parties to be urged before the AGRC, we dispose of this Petition. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)