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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1353 OF 2024

Mohammad Shahid Ramzan Khan ...Petitioner
Versus
Slum Rehabilitation Authority Through CEO & ORS. ...Respondent

Mr. Jay Salunke i/b. Mr. Nitin Gawane Patil, for the Petitioner.

Mr. Jagdish G. Aradwad (Reddy), for Respondent Nos. 1 & 2.

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

DATE: 18th September 2025

P.C.

1. This Petition is filed under Article 226 of the Constitution of India
praying for the following reliefs:-

“A] Call for record and proceedings of the case.

[B] Issue a writ of mandamus, or any other appropriate writ, order or directions in the nature of writ of mandamus, directing the Respondent no. 5 Developer to pay arrears of rent and future rent regularly with 5% rise on year to year basis in favour of the petitioner since the date of demolition of his hutment relating to year 1999, in context to Daultnagar SRA CHS Ltd. (Navjeevan Nagar) as per order dated 30.12.2022 (Exhibit P) passed by Assistant Registrar, Co-operative Societies (East and W/N), SRA, Mumbai and for that purpose issue necessary orders.

[C] Issue a writ of mandamus, or any other appropriate writ, order or directions, directing the respondent no. 5 developer to allot rehab structure (Commercial) in favour of the petitioner forthwith in Daulatnagar SRA CHS Ltd. (Navjeevan Nagar) as he has been found to be eligible at Sr. No. 15 (68) in Annexure-II, and for that purpose issue necessary orders.

[D] Issue a writ of mandamus, or any other appropriate writ, order or directions in the nature of writ of mandamus, directing the Respondent no. 5 Developer to pay monthly transit rent in favour of the Petitioner which is due and payable since the date of demolition of his hutment relating to year 1999, in context to Daulatnagar SRA CHS Ltd. (Navjeevan nagar) and for that purpose issue necessary orders

[E] Issue a writ of mandamus, or any other appropriate writ, order or directions in the nature of writ of mandamus, thereby directing the Respondent No.1 Slum Rehabilitation Authority and Respondent No.5 Developer to take prompt and effective steps within stipulated period to get agreement registered with the Petitioner being slum dweller, at property viz CTS No. 1611 (pt), T. P. S. VI. Daulat Nagar Santacruz (W). Mumbai-400 054 in the said property, in tune with the Circular No. 153 dated 06.06.2015, issued by the Respondent No.1 Slum Rehabilitation Authority and for that purpose issue necessary orders.

(F) Issue Issue a writ of mandamus, or any other appropriate writ, order or directions, directing the respondent no.1 to issue stop work order against the respondent no. 5 developer with regards to Daulat Nagar SRA CHS (Navjeevan nagar) in pursuance to order dated 27.03.2023 issued by Assistant Registrar, Co-operative Societies (East & W/N), SRA, Mumbai to the Executive Engineer (W/N), SRA, Mumbai (Exhibit - R), and for that purpose issue necessary orders.

[G] Pending hearing and final disposal of this Writ Petition, directing the Respondent no. 5 Developer to pay arrears of rent and future rent regularly with 5% rise on year to year basis in favour of the petitioner, and for that purpose issue necessary orders.

[H] Pending hearing and final disposal of this Writ Petition, direct the Respondent no. 5 Developer to pay monthly transit rent in favour of the Petitioner which is due and payable since the date of demolition of his hutment relating to year 1999, in context to Navjeevan SRA Co-operative Housing Society (Ltd.) and for that purpose issue necessary orders

[I] Grant ad interim relief in terms of prayer clauses 'G & 'H'.

[J] Pass such other and further order as this Hon'ble Court may deem fit and proper in the peculiar facts and circumstances of the case."

2. This Petition was filed on 10th April 2023. A Reply affidavit is placed on record filed by the Assistant Registrar (Eastern & Western) Suburb/ Slum Rehabilitation Authority, Brihanmumbai on behalf of Respondent Nos. 1 and 2, in which paragraph 5 to 9 the following statements are made:

“5. I say that thereafter the Respondent No.5 developer by letters dated 12.04.2023 and 17.04.2023, informed the office of the answering Respondents that, till date the Petitioner's slum structure listed at Sr.No.68 in the Annexure-II is not demolished and therefore the developer is not liable to pay any rent in lieu of transit accommodation to the Petitioner and the developer further requested to withdraw the stop work notice issued in respect of the free sale component on the subject property.

6. I say that in view of the above letters of the developer, the office of the answering Respondents conducted hearing on the subject matter on a number of occasions. Even detailed spot inspection report in respect of the Petitioner's structure was called for from the Field Officer, who visited the structure in question on site and submitted his report on 08.03.2023 pointing out that till date the Petitioner's commercial structure is not demolished for implementation of SR Scheme on the subject property and the Petitioner is conducting his business from the said structure. Hereto annexed and marked as EXHIBIT-R/1 is a copy of the said spot inspection report of the Field Officer /SRA dated 08.03.2023.

7. I say that even during the pendency of the hearing before the Assistant Registrar/SRA on the complaint about non-payment of rent, the Assistant Registrar/SRA by letter dated 27.03.2023 requested the Engineering Department not to act upon the letter issued for issuance of stop work notice for the free sale component. Hereto annexed and marked as EXHIBIT-R/2 is a copy of the said letter of the Assistant Registrar/SRA dated 27.03.2023.

8) I say that after hearing all the parties and considering the spot inspection report submitted by the Field Officer, it clearly emerged that the Petitioner's structure is not demolished till date and the same stood as it is in existence and the Petitioner is conducting his regular business from the said structure and therefore there was no question of payment of any rent to the Petitioner in lieu of the transit accommodation and accordingly the said fact was informed to the Petitioner by the Assistant Registrar/SRA by letter dated 31.10.2023. Hereto annexed and

marked as EXHIBIT-R/3 is a copy of the said letter of the Assistant Registrar/SRA dated 31.10.2023 issued to the Petitioner.

9. I say that so far as allotment of Commercial permanent alternate accommodation to the Petitioner being eligible for commercial tenement is concerned, the same shall be allotted to the Petitioner as and when the rehab building is constructed under the SR Scheme on the subject property.”

3. There is a passage of time of almost two years that this Petition was filed, and it is during the pendency of this Petition the communication dated 31st October 2023 was issued. In this view of the matter, we are not inclined to consider the prayers as made in the Petition in view of the affidavit as also the communication dated 31st October 2023 issued by the SRA to the Petitioner.
4. We accordingly dispose of this Petition keeping open all contentions of the Petitioner to be raised before the SRA is permissible in law in appropriate proceedings including all the Petitioner's contentions on the communication dated 31st October 2023 if the same is intended to be challenged by the Petitioner.
5. Petition is disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)