

JYOTI
RAJESH
MANE

Digitally signed
by JYOTI RAJESH
MANE
Date: 2025.11.17
19:16:47 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.4272 OF 2025

Anant Daji Chalke
Versus

...Petitioner

The State of Maharashtra & Ors.

...Respondents

WITH
13. WRIT PETITION NO.4241 OF 2025
WITH
WRIT PETITION NO.4290 OF 2025
WITH
15. WRIT PETITION NO.4246 OF 2025
WITH
INTERIM APPLICATION NO.6844 OF 2025
WITH
14. WRIT PETITION NO.4242 OF 2025
WITH
WRIT PETITION NO.4289 OF 2025
WITH
WRIT PETITION NO. 4294 OF 2025
WITH
WRIT PETITION NO.4323 OF 2025

Mr. G.B.Naik, for Petitioner.

Mr. Prashant Kamble, AGP for Respondent – State in WP/4272/25, WP/4290/25, WP/4289/25, WP/4294/25 & WP/4323/25.

Ms. Madhura Deshmukh, AGP for State in WP/4241/25.

Ms. Lavina Kriplani, AGP for State in WP/4242/25.

Ms. Fatima Lakdawala2, AGP for State in WP/4246/25.

Mr. Jagdish G. Aradwad (Reddy), for SRA in all matters.

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

DATE: 12th November 2025

P.C.

1. Not on board. (WP/4289/25, WP/4294/25, WP/4323/25)

Taken on board.

2. By these Petitions the Petitioners have prayed similar reliefs, therefore these Petitions are disposed of by this common order. For convenience we note prayer clauses in first Petition which reads thus:-

a) That this Hon'ble Court may be pleased to quash and set aside the notice alongwith list of allottees issued by the respondent No. 5 on 04.08.2023, 17.08.2023 and also quash and set aside the earlier notice dated 16.03.2023, 11.07.2023 alongwith list annexed thereto.

b) That this Hon'ble court may be pleased to direct Chief Executive Officer, Slum Rehabilitation Authority to investigate and to look into the grievance and illegal allotment of the PAA to the allottees contrary to the policy & provisions of law and upon considering all the aspect and prepare priority list as per the policy considered by this Hon'ble court and to file his report along with his affidavit.

c) Upon considering such report and/ or perusing the record of the SRA and the Developer this Hon'ble Court may be pleased to issue necessary directions to the Respondent No. 1 to 4 to cancel earlier allotments on the basis of irregularities committed by the respondents in the Daulat Nagar SRA Scheme Santacruz, Mumbai and file their report and thereafter to allot the PAA to the petitioner as per his turn on the basis of demolition of his hutment on 14.05.2000.

d) Upon considering the report appoint competent officer of this Hon'ble court to hear the grievance of the petitioner and other project affected hutment dwellers in the Daulat Nagar SRA Scheme Santacruz having no political backing and other modes and methods to curb out of turn allotment of PAA and with the directions to follow the policy of the government as stated hereinabove who are waiting for allotment of PAA.

e) That pending the hearing and disposal of the present petition, this Hon'ble court may be pleased to restrain the respondents from allotment of the PAA's as per notice dated alongwith list dated 04.08.2023, 17.08.2023 and till the priority list finalized as per the policy of the government enumerated in SRA Circular No.162 dated 23rd October, 2015 and direction given by the Hon'ble High Court Bombay from time to time and particularly in order dated 22nd October 2022 in WP(L) NO.8391 OF 2020 Sayukta Sangharsha Samiti Vs State of Maharashtra And Ors and Judgment and order dated 27th April, 2023 in WP(L)No. 1950 of 2023 and order dated 4th August 2023 passed by this Hon'ble court in I.A. (L) No. 19636 of 2023 in WP (L) No. 1469 of 2023.

f) Pending the hearing and final disposal of the present Writ Petition, this Hon'ble Court be pleased to appoint the Court Receiver upon the flats constructed and ready for allotment is not finalized by the officer appoint by this Hon'ble court.

g) This Hon'ble Court be pleased to grant interim / ad-interim reliefs in terms of prayer clause (e) and (f) above.

h) For such other and further orders as this Hon'ble Court deem fit and proper in the facts and circumstances of the case.

3. Learned counsel for the Petitioner has drawn our attention to an order dated 1st October 2025 passed in a batch of Petitions (WP/1469/23 Asha Kashinath Mhatre Vs. State of Maharashtra & ors. alongwith other Petitions)in terms of the Minutes of the Order as tendered between the parties. He submits that these Petitions can be disposed of in terms of the said order dated 1st October 2025, which reads thus :

1. Writ Petition No. 1469 of 2023 is filed under Article 226 of the Constitution praying for the following reliefs:

- "a) that this Hon'ble Court be pleased to issue appropriate writ, order and direction directing the respondent nos. 1 to 4 to quash the alleged lottery alleged to have been held in the month of November, 2022 and act purely on the guidelines set down by order dated 21 September, 2015 being Exhibit B on such terms as this Hon'ble Court may deem fit and proper.
- b) That this Hon'ble Court be pleased to issue appropriate writ, order and direction directing the respondent nos. 1 to 4 not to allow the respondent no. 5 to either carry out construction of any sale components or dispose of the same until all the eligible occupants of the original plot of land are accommodated in their permanent alternate accommodation."

2. The proceedings were heard on the earlier occasions and are listed today, as there is consensus between the petitioner and respondent no. 5, which is placed on record in terms of the Minutes of Order as agreed between the parties, which are to the following effect:

"MINUTES OF ORDER"

1. The petitioners in the aforesaid petition are challenging the lottery for allotment of permanent alternate premises in the Rehab Building No. C-1 and C-2 ("said Buildings") constructed by respondent no. 5, the Developer at Daulat Nagar.
2. The said lottery was conducted on 18th August, 2023 with respect to the 138 members as per Seniority List of Slum dwellers who had vacated their structures in the year 2003. The respondent no. 5 has also obtained the Occupation Certificate for the said buildings. However, this Hon'ble Court vide order dated 4th August, 2023 directed the SRA not to put an person in possession in the said buildings after the lottery, without first reporting to this Court and/or without a further order of this Court.
3. So far the grievance of the petitioners with respect to rehabilitation is concerned, respondent no. 5 states that it has completed the construction of extension of Building no. C-1 and C-2 with 112 units ("said Extension Building") and shall be making application for obtaining Occupation Certificate within a period of 2 weeks.
4. In view thereof, to resolve the overall dispute raised in the present petition as well as in the group of petitions by the concerned petitioners, the respondent no.5 shall prepare the list of slum dwellers by including the name of the petitioners, in the proposed lottery with respect to the said Extension Building, wherein all the petitioners along with the other Slum Dwellers can be accommodated and the grievance of the petitioners qua the rehabilitation can be resolved. Upon submission of list of names for conducting lottery, by respondent no. 5 in the SRA, the SRA shall consider their names in the final list of lottery for the purpose of rehabilitation in the said Extension Building in a period of 4 weeks.
5. So far the allotment of 138 members, as per the lottery conducted on 18 August, 2023 is concerned, the respondent no. 5 with the support of SRA, can handover possession of the Permanent Alternate Accommodation in the said buildings.
6. It is the case of the petitioners, which is agreed to by respondent no.5 that the petitioners are entitled to be rehabilitated on the basis of "first out & first in policy" for being accommodated in the said extension building. The said aspect will be verified by SRA and a list shall be prepared in accordance with circular 162. The SRA is directed to complete the entire exercise within a period 4 weeks from today and submit a compliance report in this Court."

7. Apart from this petition, there are 13 other companion petitions. Learned counsel for the parties agree that subject to whatever has been agreed in paragraph 6 of the Minutes of the Order (supra), these petitions, subject to the exercise which would now be undertaken by the SRA, can be disposed of keeping open all the rights and contentions of the parties. Mr. Reddy, learned counsel for SRA would also not be averse that such exercise would now be required to be undertaken.

8. In this view of the matter, we are inclined to dispose of these proceedings in terms of the Minutes of the Order, however, insofar as the companion petitions are concerned, keeping open all rights and contentions and subject to the exercise which would be undertaken by SRA as set out in paragraph 6 of the Minutes of Order.

9. Disposed of in the aforesaid terms.

4. As the Petitioners in the present Petitions are identically placed we dispose of these Petitions in terms of the aforesaid order dated 1st October 2025 passed in the case of **Asha Kashinath Mhatre Vs. State of Maharashtra & ors.**

5. However, we direct that so far as what was agreed in paragraph 6 of the minutes of the Order (supra) the exercise was required to be completed by the SRA within a period of 4 weeks from the date of the said order. We clarify that in the event the exercise is not already completed in batch of Petitions the said shall be completed within a further period of 4 weeks from today.

6. All contentions of the parties are expressly kept open.

7. All Petitions stand disposed of in the aforesaid terms.

8. Interim application would not survive stands disposed of accordingly.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)