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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 854 OF 2025

Javed Kadus Baroudgar ...Petitioner(s)
Versus
State Of Maharashtra Through
Government Pleader ...Respondent(s)

AND
WRIT PETITION NO. 1056 OF 2025

Kalpesh Phoolchandra Gupta Through
Poa Javed Kadus Baroudgar ...Petitioner(s)
Versus
State Of Maharashtra Through
Government Pleader ...Respondent(s)

AND
WRIT PETITION NO. 1140 OF 2025

Devilal Sogal Sagal Alias
Devilal Sogaji Kalal ...Petitioner(s)
Versus
State Of Maharashtra Through
Government Pleader ...Respondent(s)

Mr. Rajesh P. Khobragade, for Petitioner.

Ms. Varsha Sawant, AGP for State in WP/854/2025.

Mr. Prashant Kamble, AGP for State in WP/1056/2025.

Mr. Atul Vanarse, AGP for State in WP/1140/2025.

Mr. Vishwanath Patil a/w. Harshwardhan Karande for Respondent/SRA.

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

DATE: 9th October 2025

P.C.

1. Not on board. Taken on board.
2. The reliefs as prayed for in these three Petitions are similar, hence these Petitions are being disposed of by this common order.
3. At the outset learned counsel for the Petitioner has submitted that these Petitions would stand covered by Order dated 1st October 2025, passed on the batch of Petitions¹ by this Court . The said order 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

1 WP/1469/23 @ IAs & ORS.

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. It is submitted that in so far as Petitioner in Petition No.1056/2025, is concerned (Kalpesh Gupta), there is a deficit in the area and hence on such issue the Petitioner intends to approach the Chief Officer of the Slum Rehabilitation Authority, as also in the first Petition (Javed Baroudgar) there is an issue of arrears of rent and in this regard the said Petitioner intends to approach the Chief Executive Officer of Slum Rehabilitation Authority. We permit these Petitioners to make an appropriate application on such grievance be made within a period of 2 weeks from today. If such an application is made, let the same be decided as expeditiously as possible and in any event within a period of 3 weeks thereafter and in accordance with law.

5. The Petitions accordingly stand disposed of in terms of the aforesaid observation and the Order dated 1st October 2025, passed on the earlier batch of petitions (Asha Kashinath Mhatre and Others Vs. The State of Maharashtra & Ors.)

6. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)