



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

WRIT PETITION NO. 3653 OF 2025

Navkiran Welfare CHS Ltd. & Anr. ... Petitioners
Versus
The Slum Rehabilitation Authority, through its
Chief Executive Officer & Ors. ... Respondents

Ms. Archana P. Gaikwad a/w. Mr. Jay Kholiya and Mr. Harshal Khavale for the petitioners.
Mr. Yogesh Patil i/b. Abhijit M. Patil for respondent no. 2-SRA.
Mr. Shakeeb Shaikh a/w. Mr. Noorain Patel i/b. Diamondwala & Co. for respondent no. 3.

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

DATE: 3 November, 2025

P.C.

1. We have heard Mr. Gaikwad, learned counsel for the petitioners, Mr. Patil, learned counsel for respondent no. 2-SRA and Mr. Shaikh, learned counsel for respondent no. 3-developer.

2. This petition under Article 226 of the Constitution of India is filed praying for the following substantive reliefs:

“a) This Hon’ble Court be pleased to issue a writ of mandamus or writ in the nature of mandamus or any other appropriate writ and/or order directing the respondent nos. 1 and 2 to recover the amount of arrears of rent from respondent no. 3 Developer within specified period as per Exhibit – L.

b) This Hon’ble Court be pleased to issue a writ of mandamus or writ in the nature of mandamus or any other appropriate writ and/or order directing the respondent no. 1 to pass order on 13(2) application and appoint new developer who will complete the project within 2 years.”

3. The grievance of the petitioner is in regard to the non-payment of appropriate transit rent to the members of the petitioners. The slum scheme in question is being implemented by respondent no. 3 -Shree Nidhi Concept Realtors Pvt. Ltd. on the land which is stated to be belonging to the State Government. The petitioners are concerned with more than 1000 members, who are slum dwellers on the land in question. The proceedings were initiated by the petitioner under Section 13(2) of the Maharashtra Slum Areas (Improvement, Clearance & Redevelopment) Act, 1971 (for short “**Slum Act**”), which came to be decided by the Chief Executive Officer by an order dated 21 April, 2025 in which the claim for removal of the petitioners as the developer of the slum rehabilitation scheme, came to be dropped with a direction to respondent no. 3 to complete the slum rehabilitation scheme and submit a bar chart regarding time bound implementation of the said scheme. We are informed by learned counsel for respondent no. 3 that in compliance of the said order, a bar chart was submitted to the Chief Executive officer. There is also a direction that the Executive Engineer (G/N Ward)/SRA would periodically visit the site and ensure the completion of the slum rehabilitation scheme in time bound manner.

4. Insofar as the payment of arrears of transit rent, which was one of the ground on which the respondent no. 3 sought to be reviewed, the following observations are made in the said order:

“24. According to respondent no. 1, the delay in release of rent since August 2022 is due to slum dwellers did not provide the bank details in Slum Rehabilitation Authority. There is report of Assistant Registrar/SRA dated 05.03.2025 on record. The said report reveals that during the hearing held on 05.02.2025 directions were given to respondent no. 1-Developer to

deposit the amount of Rs.5,00,00,000/- as calculated @ Rs.15,000/- per month. Accordingly, respondent no.1 has deposited the said amount. The respondent no. 1 was in total arrears of Rs.12,64,29,000/- rent payable to eligible slum dwellers. The report further reveals that among total arrears of rent amounting to Rs.12,64,29,000/-, respondent no. 1 has paid amount of Rs.5,00,00,000/- on 10.02.2025 and remaining amount of Rs.7,64,29,000/- on 03.03.2025 has been deposited with Slum Rehabilitation Authority through cheque.”

5. The case of the petitioners is that there is a discriminatory treatment which is being meted out to the members of the Society inasmuch as some of the members are given higher transit rent of Rs.25,000/- whereas majority of the members are granted Rs.15,000/-. In such context, our attention is drawn to the letter dated 15 May, 2018 addressed by respondent no. 3 to the petitioner (Page 108 of the Paper book) wherein respondent no. 3 is stated to have agreed for transit rent payable in different slabs, which is to the following effect:

Period for which advance rent may be sought by the slum dwellers	Upto 33 months (Res)	After 33 months (Res)	Upto 33 months (Comm)	After 33 months (Comm)
Rate applicable if advance rent is paid for 11 months	Rs.15,000/-	Rs.19,000/-	Rs.20,000/-	Rs.24,000/-
Rate applicable if advance rent is paid for 22 months	Rs.13,000/-	Rs.17,000/-	Rs.18,000/-	Rs.22,000/-
Rate applicable if advance rent is paid for 33 months	Rs.12,000/-	Rs.16,000/-	Rs.17,000/-	Rs.21,000/-

6. Thus, it is the petitioner’s case that there cannot be discrimination in the amount of transit rent being offered by respondent no. 3 to the members.

7. Learned counsel for the petitioners has submitted that the considering the orders passed by the Chief Executive Officer dated 21 April, 2025 passed under Section 13(2) of the Slum Act, some amounts are withdrawn. In permitting withdrawal of the said amounts, we are of the opinion that the uniformity is

required to be maintained by the Competent Authority. Thus, henceforth whatever withdrawal is permitted, the same needs to be granted in equal proportion to the members.

8. Insofar as the petitioners claim for enhancement of the transit rent is concerned and more particularly in terms of what has been agreed upon in the letter dated 15 May, 2018 as contended on behalf of the petitioner, the petitioner is at liberty to make a representation to the Competent Authority of the Slum Rehabilitation Authority praying for enhancement of the compensation, not only in terms of what was agreed but also as the law may permit under the Circular issued by the SRA. If such an application is made, the same be decided on its own merits and without being influenced by the orders and the observations made in the order dated 21 April, 2025 which is required to be considered as an order purely under Section 13(2) of the Slum Act. All contentions of the parties in regard to entitlement of transit rent are expressly kept open. Let a decision on such application be taken within six weeks of filing of such application and in accordance with law.

9. The petition stands disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)