

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

WRIT PETITION NO.5119 OF 2024

New Shree Krishna SRA CHS through Chief Promotor
Shantaram Dajiba Kamble, CTS Nos.846 & 834 (Part)
of Village Laljipada, Sanjay Nagar, Wadilal
Gosalya Road, Kandivali (West), Tal.Borivali,
Mumbai-400 067.

Petitioner

versus

1. Slum Rehabilitation Authority, Mumbai
2. The Competent Authority-7, SRA, Mumbai.
3. The Deputy Collector (Special Division),
SRA, Mumbai.
4. The State of Maharashtra.

Respondents

WITH
INTERIM APPLICATION (L) NO.39060 OF 2025

Shreeya Developers

Applicant

In the matter between :

New Shree Krishna SRA CHS through Chief Promotor
Shantaram Dajiba Kamble, CTS Nos.846 & 834 (Part)
of Village Laljipada, Sanjay Nagar, Wadilal
Gosalya Road, Kandivali (West), Tal.Borivali,
Mumbai-400 067.

Petitioner

versus

1. Slum Rehabilitation Authority, Mumbai

Respondents

Mr.Amogh Singh with Mr.Atul Singh, Mr.Rahul Arora i/by Manoj Pandey for
Petitioner.

Mr.Vaibhav Charalwar with Mr.Santosh Pathak, Mr.Nimish Lohikar, Mr.Kailash
Pathak, Mr.Deepesh Kadam i/by Law Origin for Applicant/Intervenor.

Mr.Saurabh Pakale with Ms.Ravleen Sabharwal for Respondent nos.1 and 3 SRA.

Ms.Poonak Mittal, AGP, for Respondent no.4 State.

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

DATE: 4th December 2025

ORAL JUDGMENT (G.S.Kulkarni) :-

1. Rule. Rule is made returnable forthwith. By consent of the parties heard finally.

2. This is another unfortunate case, involving the Slum Rehabilitation Authority ('SRA') which has reached this Court. The dispute in the proceedings is in regard to the preparation and finalization of Annexure-II in respect of a slum scheme which is being implemented, for the benefit of slum dwellers who have formed the Petitioner-the New Shree Krishna SRA Co-op. Housing Society Ltd. The slum scheme is being implemented on the acceptance of the Petitioner's redevelopment proposal by the SRA vide its communication dated 16th February 2023 issued by the Executive Engineer-II, SRA. The same was issued in favour of the developer appointed by the Petitioner namely M/s.Modi Spaces LLP. Thus, the petitioners' slum scheme on plot bearing CTS No.846 at village Kandivali, Taluka Borivali, Mumbai was granted by the SRA. It appears from the record that the land belongs to the State Government which is encroached by the slum dwellers. As usual the State Government is nowhere in the scene.

3. We may observe that by now it is a well accepted scenario that the State Government or Brihanmumbai Municipal Corporation lands which are permitted to be encroached are quite freely available for development of the slums under the relevant laws in relation to slums and the Rules, Regulations thereunder. It is quite unfortunate that neither the State Government nor the public bodies like the

Municipal Corporations would be bothered about removal of encroachments and render such lands to be exploited, only to the bulk of housing and commercial use, at the hands of the slum societies and the developers appointed by them without such valuable lands being available for any larger public purpose.

4. Be that as it may, coming to the case in hand, when proceedings were heard on the earlier occasion i.e. 25th November 2025, we noted the Petitioner's grievance that Annexure-II in respect of the Petitioner scheme was not being finalized, which has about 285 slum dwellers, on account of it being abruptly stopped at the behest of a local MLA as noted by this Court in the order passed on the even date. Accordingly, the Court directed the SRA to place on record its' reply affidavit.

5. In pursuance of the said order a reply affidavit of the concerned officer namely of Mr.Balasaheb Tidke, the Deputy Collector (Special Cell), SRA, who on instructions from higher officials appears to have halted the further action to be taken in regard to Annexure-II is filed. In our opinion, the affidavit filed on behalf of the SRA is nothing short of opening a "can of worms". The discussion hereafter would aid our conclusion.

6. At the outset, we refer to the relevant facts. The Petitioner claims to be a proposed society of the slum dwellers on land bearing CTS No.846 as noted hereinabove. It has appointed one M/s.Modi Spaces LLP and M/s.AMI Modispaces to carry out the redevelopment of the slum, which has 285 slum dwellers. Although the Petitioner has claimed that it also intends to undertake redevelopment in regard to another CTS No.834 (part), there appears to be some

dispute in this regard as although a process to include CTS No.834 (part) was initiated by the Petitioner, however, same is only at the stage of recommendation and there is no final approval which has been granted so far by the SRA and more particularly in the nature of what has been issued to the Petitioner on 16th February 2023, when the Executive Engineer-II, SRA accepted the scheme of the Petitioner in regard to land CTS no.846. We may also observe that insofar as CTS No.834(part) is concerned, the same appears to be part of the scheme for development of the Intervenor M/s.Shreeya Developers who have been issued a letter of acceptance dated 27th September 2024 in respect of several other lands which are partly of “State Government” and partly of “the MCGM”. In this view of the matter, in our opinion, in the event there is any claim of the Petitioner in regard to land CTS No.834(part), it is for the SRA to take appropriate decision and more particularly considering the scheme of the Intervenor which is being pursued on behalf of one Shreekrishna SRA CHS (proposed). We do not intend to delve on the rival contentions in this regard. It is open for the SRA to take appropriate view of the matter as and when occasion arises.

7. Now returning to the grievance of the Petitioner. As noted above, on 16th February 2023 the proposal filed by the Petitioner society was accepted so far as land CTS No.846 is concerned. On 8th December 2023 the Assistant Registrar forwarded the same with all the details, to the Deputy Collector for further implementation of the scheme. The Executive Engineer, SRA on 23rd February 2024 granted his approval to the Petitioner’s scheme. On 29th February 2024, the SRA decided to proceed to prepare Annexure-II being the list of the eligible slum

dwellers, who would be rehabilitated by granting permanent alternate accommodation in the proposed redevelopment. In this regard on 3rd July 2024 the Competent Authority (Respondent no.2) issued notice for issuance of Annexure-II. It is the Petitioner's case and more particularly as set out in paragraph 10 of the petition, that Respondent no.2/Competent Authority commenced the process of preparation of Annexure-II after issuance of public notice, and after taking proper police protection, followed the process, which is normally adopted for preparation of Annexure-II. It is the Petitioner's case that at this juncture, on 8th and 11th July 2024 letters were addressed by one proposed 'Nav Sadabahar Sahakari Gruha Nirman Sanstha (proposed)' that such group of slum dwellers were not supporting the scheme. The Petitioner contends that the slum dwellers who are opposing the scheme appear to have formed such society being a "rival society", who are now creating obstacles in the implementation of the scheme and more particularly finalization of the work of Annexure-II, which had already commenced. This possibly at the behest of another developer. It appears that even thereafter on 16th July 2024 partial survey was carried out. Also a request was made on 23rd July 2024 by the Competent Authority for police protection to complete the survey as it remained incomplete on the earlier day i.e. 16th July 2024.

8. At this juncture something intriguing has happened i.e. on 6th August 2024 a local MLA addressed a communication dated 6th August 2024, to the Chief Executive Officer ('CEO') of SRA. He addressed another dated 13th August 2024 to the Police Commissioner. These letters, inter alia, raised concerns in regard to

the slum rehabilitation scheme being implemented on the very land of the Petitioner i.e. land CTS No.846. In the letter addressed to the CEO of SRA, it was clearly set out that in respect of the said scheme, the Petitioner had appointed M/s.Modi Spaces LLP as the developer, and that there is an opposition to the said developer as certain members are not approving his appointment. He also categorically stated that 34 structures have been surveyed and all these slum dwellers have opposed the scheme, and to that effect 28 slum dwellers have executed affidavits that their names be removed from Annexure-II. It was also stated that some slum dwellers were not available as they had left for their villages, referring to their names as Panmati Kailash Yadav, Lalprasad S.Yadav, Mithilachandra Bali Chauhan, Amarjeet Punwasi Yadav, Rambuz Yadav and Lalchand Ramnath Yadav, who according to the local MLA had intimated to the society of their opposition. The letter also recorded that the structures of the six slum dwellers who were opposing the Petitioner's scheme, were occupied by "tenants", and that the tenants have in fact been shown as owners of the structures, although they were not actual slum dwellers, and their names were proposed to be included in Annexure-II. The local MLA hence stated that all these were issues of concerns and appropriate investigation needs to be undertaken and that he should be informed in writing as to what further steps would be taken.

9. Similarly, the local MLA addressed the second letter to the Deputy Commissioner of Police, Police Commissionerate, Mumbai (dated 13th August 2024) requesting that any request made by SRA to grant police protection, ought not be granted, insofar as slum development being undertaken on land CTS

No.846 is concerned, on which the Petitioner was implementing the slum scheme. It appears that said letter also included certain other survey numbers and names of other developers. The grievance of the said MLA as seen from the said letter was in regard to the developer appointed by the Petitioner M/s.Modi Spaces LLP, who according to him although has undertaken other schemes, the same were not being diligently implemented and/or were excessively delayed and which according to him was the concern of the said slum dwellers.

10. It appears that although the letter dated 6th March 2024 was addressed to the CEO,SRA, and not directly to Mr.Balasaheb Tidke, Deputy Collector (Special Cell), the deponent of the reply affidavit, the effect of the said letter at the instance of CEO appears to have percolated to the said Competent Officer, who abruptly stopped further actions to be taken in regard to the issuance of Annexure-II in regard to the Petitioner's scheme. It is more than one year, that such extra-legal or extra judicial interference has continued to influence the CEO of SRA as also the concerned Competent Authority, who have completely stopped the further actions to be taken in regard to the Petitioner's scheme and more particularly finalizing Annexure-II. It is in these circumstances the Petitioner has approached this Court in the present proceedings, inter alia, praying for issuance of the writ of mandamus directing the SRA to finalize theAnnexure-II in regard to the Petitioner's slum scheme and for a writ of mandamus in regard to the interference of the rival societies in the Petitioner's scheme in terms of the letter dated 28th August 2024 (prayer-b). The prayers as made in the petition reads thus :

“(a) This Hon’ble Court be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction in the nature of Writ of

Mandamus under Article 226 of the Constitution of India thereby directing the Respondents to take immediate steps for preparation and finalization of the Annexure-II in respect of the SRA scheme submitted by the Petitioner Society through its developer in respect of the land bearing CTS Nos.846 and 834 (part) of village Laljipada, Kandivali, Taluka Borivali, Mumbai Suburban District and finalize the Annexure-II in some time bound manner;

(b) This Hon'ble Court be pleased to issue a Writ of Mandamus or any other appropriate writ, order of direction in the nature of Writ of Mandamus under Article 226 of the Constitution of India thereby calling for the records and proceedings in relation to the letter dated 28th August 2024 (Exhibit-H) issued by the Respondent no.3 and after going through the same be pleased to quash and set aside the same declaring the same to be illegal and bad in law;

(c) Pending the hearing and final disposal of the present petition this Hon'ble Court be pleased to stay the implementation and operation of letter dated 28th August 2024 (Exhibit-H) issued by the Respondent no.3 and further be pleased to direct the Respondents to take immediate steps for preparation and finalization of the Annexure II in respect of the SRA scheme submitted by the Petitioner Society through its developer in respect of the land bearing CTS Nos.846 and 834 (part) of village Laljipada, Kandivali, Taluka Borivali, Mumbai Suburban District and finalize the Annexure-II in some time bound manner.”

11. Before we delve into rival contentions, we think it appropriate to not only remind but re-remind the SRA and the officers of SRA namely right from the CEO and all the officers below him, are required to discharge their duties strictly in accordance with law that is as per the provisions of the Slum Act, Rules and Regulations, Circulars and the Development Control Regulations ('DCRs') relevant to the implementation of slum rehabilitation schemes. This would imply that none of the officers of the SRA can resort to any action on extra judicial and/or extra legal interference, from those who are wholly unconnected with the slum schemes, and more particularly on any political and extraneous interference. The reason being that the Slums Act along with Rules, Regulations as also the DCRs

forms a code by itself. Any person who is connected with the slum schemes namely the slum dwellers, the society of slum dwellers, the developers etc., have remedies available in law to ventilate any of their grievances, by first approaching the SRA in their independent capacity espousing the legal right as conferred on them.

12. It is not the case of any of the slum dwellers who are aggrieved, that they were in any manner incapacitated or in any manner prevented from approaching the authority with their grievances, and if such grievances were made, pursue the same in a manner known to law, or that it was so imperative for them in this case to approach, the local MLA. We deprecate such actions on the part of the slum dwellers, who without taking recourse to the appropriate legal remedy and methods have taken a different route, without approaching the authorities and the Court by seeking such extra legal and/or extra judicial interference, at the hands of those persons who are unconnected with the schemes. There are several orders passed by the Courts from time to time whereby such actions of the authorities acting on political pressure or such extraneous interference have been deprecated. In such context, we may refer to the decision of this Court in **Shree Gurukrupa Sra Co-op. Hsg.Society Vs. Minister of State, Home (Rural) Housing School Education Co-op. Mining Department and others**¹, wherein the Court was considering similar actions on the part of SRA on account of political pressure. It is in such context, although after the stand on behalf of the State Government was made clear, the Court recording the contentions as urged on behalf of the

¹ Writ Petition (L) No.18500 of 2025 decided on 22-8-2025

Petitioner of the extra judicial and entirely unjustified interference, observed that it is well settled that the Slums Act is a welfare legislation enacted to improve the living conditions of persons compelled to reside in slums, in poverty, filth and squalor. It was observed that the primary objet of the Slums Act was to ensure that slum dwellers are protected from eviction, without rehabilitation and are provided with decent, secure and hygienic housing/living conditions. The Court further observed that it would reflect a most sorry state of affairs, when any statutory authority abdicates its statutory duties on account of any extraneous or extrajudicial intervention and conducts itself in a manner which is contrary to the very Statute under which such Statutory Authority is required to discharge its duties.

13. In similar context we may also refer to the orders passed by this Court in the case of **Bhimrao Shankar Kudale Vs. Maharashtra Housing and Area Development Authority and another²**, in which the Court made the following observations in regard to extra-legal interference, which ought not to be tolerated, although in the context of MHADA, however, the observations in paragraph 8 of the said decision certainly would apply to the SRA. The relevant observations in the said judgment read thus:

“7. If this be the position, we make it clear that no extra legal interference ought to be tolerated, in any manner whatsoever. The names of such persons who are illegally interfering in the MHADA officials (at any hierarchy) discharging their official duties, need to be dealt with strictly as per law. The names of such persons who are causing extra legal interference, in any of the MHADA officials discharging their official duties, be intimated to the Vice Chairman, MHADA by the concerned officials, whose office shall acknowledge any such complaint received from any official, for action to be taken in accordance with law, depending on the

²Writ Petition No.578 of 2025, decided on 10-6-2025

nature of the complaint. If the Vice Chairman himself is encountered with any such interference, he is free to submit names of such persons to the Chief Secretary and/or to this Court by moving an application in the proceedings, so that we can pass appropriate orders.

8. Accordingly, the MHADA officials or for that matter any officials of similar Planning Authorities like the Municipal Corporation(s), MMRDA, CIDCO shall not permit any illegal occupation of any of its premises depriving the legitimate and genuine persons, who are in dire need of transit accommodation or any other accommodation. We expect that concerned officials to act strictly in accordance with rules and regulations, who should not tolerate any illegal interference by any person in the discharge of their official duties.”

14. We may also refer to the decision of this Court in **Awdesh Vasistha Tiwari and others Vs. Chief Executive Officer, Slum Rehabilitation Authority and others³**, wherein considering the attempts to derail the slum schemes by rival groups/ rival societies being formed to oppose the slum schemes, the following observations were made by the Court:-

“20. If the entire scheme under Regulation 33(10) is perused it is obvious that if 70% of the slum dwellers on a particular area come together and apply after formation of proposed co-operative housing society, the said application has to be independently considered in accordance with law. **The scheme does not contemplate simultaneous consideration of such an application made by a proposed society with an Application subsequently made by another proposed society relating to same land.** The Applicant-society has to have 70% support which obviously two societies cannot have. The Application received first is to be processed first independently. If it fails to get 70% support, second application can be examined. **The obvious intention is to avoid unhealthy competition between the different builders who are interested in supporting such societies.** If such a course of simultaneous consideration is permitted to be adopted, unscrupulous persons and builders will try to win over the hutment dwellers who have supported the application made earlier by another society. Therefore, it is not desirable that an application which is earlier made and the one which is subsequently filed should be considered together. That is not the scheme provided under D.C.Regulation 33(10). It is necessary that the application which is first received in respect of a particular property by the SR should be processed and decided first. After decision of the first application, the second application made by another society can be considered depending on the result of the first application. **The reason is that none of the societies**

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have any right, title and interest in respect of the property. Such a course will prevent the unhealthy competition between the builders or between the leaders of two groups in a slum area.

21. On this background when we come back to the present case, we find that regular application of the petitioner no.20 society was accepted on 8th November 2004 and was numbered. The Chief Executive Officer committed an error by entertaining the application dated 9th December 2004 made by the fifth respondent-builder though it was not accompanied with Annexure-I, Annexure-II and Annexure-III and other prescribed documents. **The scheme does not contemplate simultaneous consideration of two such applications. In our view, the application made by the petitioner no.20 should have been considered first in accordance with law. If the scheme submitted by the petitioner no.20 was not viable or did not have 70% support, the SRA could have always rejected the application of petitioner no.20 and considered the application of the respondent nos.4/5 provided a regular application was made as per the procedure.”**
(emphasis supplied)

15. It is on such backdrop we consider the rival contentions. We find substance in the contentions of Mr.Amogh Singh, learned counsel for the Petitioner, that this is a clear case where the CEO of SRA, as also the Competent Authority namely the Deputy Collector (Special Cell) have abdicated their duties on account of political interference. Such contention in fact finds complete support in a very candid affidavit filed by Mr.Balasaheb Tidke, Deputy Collector (Special Cell)(E.S.), SRA, in which he has brought on record such interference of the local MLA when he makes the following statements in paragraphs 16 and 17 :

“16. On 6th August 2024, the local MLA addressed a letter to Respondent no.1 pointing out certain concerns and objections against the Developers by the slum dwellers being part of the proposed SR Scheme. A copy of the said correspondences dated 06.08.2024 and 13.08.2024 are hereto annexed and marked as Exhibit 8 (colly.)

17. On 12.08.2024, the said Nav Sadabahar Sahakari Gruh Nirman Sanstha (Prop.) vide their Letter once again reiterated their concerns/objections against the Developers and this time, sought for change of developer under section 13(2) of the Slums Act. Lastly, a request was made to stop the inspection scheduled and the preparation of the final

Annexure-II. A copy of the said letter dated 12.08.2024 is annexed and marked as Exhibit 9.”

16. It is in this reply affidavit, the said letters of the MLA are placed on record. On perusal of such letters and the contents thereof, which we have noted hereinabove, we are quite surprised, more so when the officers of the SRA having completely succumbed to the said extra legal interference having completely suspended their legal obligations / duties, on such extraneous interference, that too for a period of more than one year resulting in the Petitioner’s slum scheme, which is a small scheme having about 285 slum dwellers, being brought to a grinding halt by non processing of Annexure-II. The fact remains that such interference was aimed to benefit the rival group namely one Nav Sadabahar Gruh Nirman Sanstha (Proposed).

17. It appears to be very clear that such opposing slum dwellers instead of submitting a representation in accordance with law or approaching appropriate authority, desired to ventilate their grievances in such manner so as to pressurize the SRA officers as rightly contended on behalf of the petitioners. In our opinion, this was certainly disturbing the slum scheme as the law would recognize. Further, considering the settled principles of law as laid down by this Court in Awdesh Vasistha Tiwari and others (supra), such letters at the behest of a second society could not have been addressed by the local MLA to the CEO-SRA, causing such interference in the implementation of the slum scheme. In discharge of any public obligation considering the legal position, such interference could have been to only advise the slum dwellers, to take the recourse to the remedy available in law, and

not make any representation on behalf of such rival societies or slum dwellers so as to step in their shoes. The law does not permit this.

18. It is very unfortunate that the CEO, SRA and/or the officers of the SRA could act upon such representations which has adversely affected the smooth implementation of the petitioners' slum scheme. If we accept such interferences and/or approve the same, it would amount to undermining and/or discarding the legislation and the statutory rules and regulations, under which the SRA is required to function. We do not appreciate such conduct and on the part of SRA Officers to succumb to such attempts of such extra legal interferences, and more particularly when ample remedies are provided by law, to whosoever is aggrieved, as noted hereinabove.

19. We cannot but imagine, that certainly there is bound to be lot of pressure on these officers in discharging their official duties, when interferences of this nature are exerted and the officers are constrained to be rendered helpless in such situations. This is what has happened in the present case, as in a given situation, it is not something unknown that the officers are likely to be victims for no fault of theirs, if they do not succumb to such interferences, and in which manner it would be difficult to apprehend. This in fact amounts to a position that the SRA is being controlled by those who are completely alien to the statutory authority conferred on the officers of the SRA. It would also mean, not only complete abdication of their lawful duties but in this regard derailment of the rule of law in implementation of the slum scheme. None of the officers of the SRA ought to

yield to such interference. In such context the orders passed by this Court in Bhimrao Shankar Kudale (supra) need to be applied.

20. We caution the officers of SRA that this needs to be the last case where such interference is tolerated and that for such reasons in the future no slum schemes are halted and that such issues do not reach the Courts.

21. Ms. Sabharwal, learned Counsel for the SRA fairly realizing the mistakes and that the delay in finalizing the Annexure II qua the petitioners' scheme being solely attributed to the SRA officers, ensures the Court of expeditious steps for finalizing Annexure-II.

22. Another aspect of the case is of police help in the works being undertaken by the SRA officers on the field. We observe that the SRA is routinely required to ask for police protection while undertaking work of preparing Annexure-II and any other works pertaining to the SRA schemes. This aspect is also disturbing for variety of reasons. Firstly the SRA is implementing slum schemes, which is supposed to further the benefit of slum dwellers i.e. grant of permanent alternate accommodation. When such welfare schemes are undertaken, requirement of police protection, in our opinion, itself is unconscionable as overall benefit of the slum dwellers is the object and intention of a slum scheme. Thus, such persons who intend to have a bonanza of a free permanent alternate accommodation and/or subsidized accommodation having encroached over the public lands, which would be made available to them on the redevelopment of the slum, cannot create a law and order situation. This is wholly not conducive and/or is against the very ethos and conscience of a civil society apart from being destructive of the object and

intention of the statutory benefits, being made available by the State Government, and that too at such huge public cost, by sacrificing valuable public lands about which nobody thinks. We are thus of the clear opinion that those who are creating law and order situations in implementing any scheme, they ought not to be recognized to be entitled for the benefit of a slum scheme by nonetheless showering upon him a permanent alternate accommodation as the law would not recognize any elements who are opposed to law and who create law and order situation in dealing with public officials, that too in accepting a public largessee of free allotment of permanent tenement, who creates such hurdles to be benefitted as in our opinion, any State largesse is available only to law abiding citizens. The law does not recognize any participation of such persons who take law into their hands, in receiving free tenements. Irrespective of whether they are eligible or not, once they are opposed to law by creating such law and order situations or an extraneous considerations and who are attempting to hijack the scheme in such manner, need to be dealt differently. They ought not be the beneficiaries of any rehabilitation. This is an issue which needs to be seriously considered and implemented by the SRA. The slum rehabilitation schemes cannot be implemented in such hostile atmosphere when it is required to be implemented in the spirit in which it is made available to them by the State Government. We are constrained to make such drastic observations as requests are being repeatedly made, in the writ petitions, that police protection be made available, as if there is no rule of law in implementation of the slum schemes, and as if such slum dwellers are in perpetuity opposed to maintain law and order and create disturbances. Unless a drastic view is

taken, things would not improve. Even in the present case, a request is being repeatedly made on behalf of SRA of police protection to be granted, obviously recognizing the concerns that when the officers undertake any survey or any other duties are being discharged, they cannot be vulnerable to any threats or bodily harm and /or face a law and order situation. It would, hence, always be open to the SRA to identify such miscreants, whether they are slum dwellers or developers and take appropriate measure by lodging police complaints and till such complaints are decided such persons ought not to be recognized in any manner whatsoever in the slum schemes. In a given case even the slum scheme can be recalled and land utilized for larger public purpose. When we say this, we draw a clear distinction that although the structures of such persons are held eligible but if the persons who are occupying such structures, in the process of receiving such bonanza of a free housing, if are opposed to law, such persons ought not be entitled despite indulging in any proved criminal acts on their part and the redeveloped tenements in that situation need to inure to larger public benefit, by allotment to the project affected persons, as available under the slum rehabilitation schemes. Unless the SRA takes drastic measures, things would not improve as scores of cases are coming before the Court where police protection is sought putting pressure on the already overloaded police machinery who are required to be devoted to the slum schemes leaving other important police functions. The CEO, SRA accordingly shall take appropriate steps based on the aforesaid observations made by us.

23. While parting we also appreciate the fair stand taken by the learned counsel for SRA as an officer of the Court.

24. In the light of the above discussion, the petition would be required to be allowed. It is allowed in following terms :

ORDER

- (i) The Competent Authority of the SRA is directed to finalize Annexure-II in respect of slum scheme in respect of land CTS No.846 at Village Kandivali, Taluka Borivali, Mumbai Suburban District as expeditiously s possible and in any event within two months from today;
- (ii) It is clarified that as far as slum scheme of the Intervenor is concerned, we have not dealt with that issue and all contentions in respect thereof are expressly kept open;
- (iii) It is further directed that as the slum scheme of the Petitioner is delayed wholly attributable to the SRA Officials, there ought not to be any further delay. In case of any objection raised by any slum dweller in respect of genuine grievance, appropriate decision needs to be taken by following the process of law;
- (iv) We permit plot-wise survey of the hutments for the purpose of Annexure II that is the petitioner's land CTS No.846 and the intervenors' land CTS No.834 (pt).
- (iv) Rule is made absolute in above terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)