

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 17851 OF 2025

Dahyabhai Somabhai Patel

Through The Constituted Attorney Vaibhav Patel

...Petitioner

Versus

The Chief Executive Officer,

Slum Rehabilitation Authority & Ors.

...Respondents

Mr. Anoshak Davar and Dhaval Sethiya i/b Lalita L. Rajguru for Petitioner.

Mr. Ravleen Sabharwal a/w Aarushi Yadav, Mandar B. Waidande for Respondent

Nos. 1, 2, 3 and 6-SRA & AGRC.

Mr. E. A. Sasi a/w Mr. Arnav Rane for Respondent No. 5.

CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.

DATE: 08th JULY 2025

P.C.

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

“(a) That the Petitioner aforesaid petition be admitted and records & proceedings be called for;

(b) That this Hon’ble Court be pleased to issue a Writ of Certiorari or any other appropriate writ, order or direction, calling for the records and proceedings leading to the passing of the impugned order dated 06/11/2024 issued by the Respondent No.2 (Annexed as **Exhibit-A**) and the appellate order dated 27/05/2025 passed by the Respondent No.6 (Annexed as **Exhibit-B**), and after perusing the same, be pleased to quash and set aside both the said orders as illegal, arbitrary and passed without proper application of mind;

(c) That this Hon’ble Court be pleased to issue a writ of prohibition or a writ in the nature of prohibition or any other writ, order, direction, restraining the Respondent No.02 from initiating any action against the Petitioner under section 33 & 38 of the Slum Act in view of Maharashtra Act No. XXXVIII of 2018;

(d) That this Hon'ble Court be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction, directing the Respondent No.2 and/or Respondent No.3 to carry out proper survey, demarcation and Panchnama of the Petitioner's structure and incorporate the Petitioner's name and correct area in the certified Annexure-II, situated at C.T.S. No. 343 and 344/1 to 8, Survey No.23A, Hissa No. 14 (Part), Mauje- Mogra, Taluka Andheri, Andheri East, Mumbai – 400060, and to include the same in the certified Annexure-II list, held him eligible;

(e) That this Hon'ble Court be pleased to restrain the Respondents, and its agents, servants and contractors, from taking any coercive steps including demolition or dispossession of the Petitioner from the subject structure, during the pendency of this Petition;

(f) That this Hon'ble Court be pleased to direct Respondent Nos. 3 to reconsider the Petitioner's case afresh after giving due opportunity of hearing and considering all documentary evidence produced by the Petitioner;

(g) That pending the hearing and final disposal of this Petition, this Hon'ble Court be pleased to stay the operation, execution and implementation of the impugned order dated 06/11/2024 passed by Respondent No.2 and order dated 27/05/2025 passed by Respondent No.6, and further direct the Respondents to maintain status quo in respect of the Petitioner's structure;

(h) that pending the hearing and final disposal of the present Petition this Hon'ble Court be pleased to:

(i) stay the operation, effect and implementation of the Impugned Order dated 06/11/2024 (Exhibit 'A' hereto) passed by the Respondent No.2 and Impugned Order dated 27/05/2025 (Exhibit 'B' hereto) passed by the Respondent No.6;

(ii) to restrain the Respondents by themselves, their agents, servants or assigns or any other person/s claiming through or under the Respondents from in any manner taking any action and/or acting in furtherance of the Impugned Order dated 06/11/2024 (Exhibit 'A' hereto) passed by the Respondent No.2 and Impugned Order dated 27/05/2025 (Exhibit 'B' hereto) passed by the Respondent No.6.

(i) For ad-interim and interim reliefs in terms of prayers (b), (d) & (g) above;

(j) For costs; and

(k) For such further and other reliefs, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case;"

2. Mr. Davar, learned Counsel for the Petitioner, has drawn our attention to the communication dated 12th August, 2024 issued by Shri. Murlidhar Shivaji Bhosale, Land Surveyor of the City Survey, wherein the measurement of the Petitioner's

premises has been identified as 25.20 meters in length by 90.30 meters in width, in respect of A61. Learned Counsel for Respondent No.5, on instructions of his client, who is present in Court, states that the Respondent No. 5 does not dispute the Petitioner's entitlement to alternate permanent occupation in the redeveloped premises as per the Slum Rehabilitation policy. He also states that Respondent No. 5 has no objection for the Petitioner's name being included in Annexure-II. Mr. Davar has also fairly states that, in the event, the Petitioner intends to make a claim for the excess area, the Petitioner would comply with the policies of the SRA and would purchase the said area.

3. In this view of the matter, we are of the opinion that further adjudication of the petition is not called for. The petition can accordingly be disposed of, considering the aforesaid consensus in terms of the following order:

- i) The SRA, within fifteen days from today, shall issue to the parties a supplemental Annexure-II so as to include the name of the Petitioner, being entitled to a permanent alternate accommodation along with other 112 slum dwellers.
- ii) Respondent No. 5 shall enter into a permanent alternate accommodation agreement with the Petitioner within 15 days of the issuance of the supplemental Annexure-II, on terms similar to those entered into with other slum dwellers. We keep open all contentions of the parties in any proceedings of the pending suit between the parties.

- iii) The issue in regard to the claim of the Petitioner for any larger area to be purchased by him as per the policy of the SRA is kept open to be decided as per the policy of the SRA.
 - iv) We keep open the Petitioner's contention in regard to the admitted area as reflected in the document dated 12th August, 2024 as noted by us.
 - v) The Petitioner shall vacate the premises and hand over possession of the premises to Respondent No. 5 for the purpose of development within one week from the issuance of the supplemental Annexure-II.
4. The petition stand disposed of in the aforesaid terms. No costs.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)