

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1700 OF 2026

Ayyub Shaikh Chand Patel

... Petitioner

Versus

Chief Executive Officer, SRA & Ors.

... Respondents

Mr. Keval Ahuja a/w. Ms. Alaka Mundhe for the Petitioner.

Mr. Vishwanath Patil a/w. Mr. Kedar Nhavkar and Mr. Harshawardhan Karande for the Respondent No.1-SRA.

Mr. Mayur Khandeparkar a/w. Mr. Bhushan Deshmukh, Mr. Aditya Miskita, Mr. Aayushi Gohil, Mr. Umair Merchant, Ms. Rima Ajmerwalla and Ms. Kanak Purohit i/b M/s. M. T. Miskita & Co. for Respondent No.3.

Mrs. Manisha Jagtap for the Respondent-MHADA.

Mr. Nishigandh Patil for the Respondent No.5.

CORAM : **M. S. KARNIK AND**
S. M. MODAK, JJ.

DATED : **20th APRIL, 2026.**

P.C. :

1. Heard learned counsel for the petitioner.
2. It is the grievance of the petitioner that the petitioner is a tenant of the MHADA and the shop which was in occupation of the petitioner ought not to have been a part of the SRA slum scheme. Learned counsel for the petitioner therefore prayed for appropriate directions to MHADA to allocate another plot in lieu of demolished shop of the petitioner with permission to construct said shop as per law.
3. Learned counsel for respondent No.3 invited our attention to the

Order dated 20th March, 2026 passed by the AGRC, which is at page 60 of the paper-book. The application before the AGRC was filed by the very same petitioner. The petitioner had approached the AGRC challenging the impugned order dated 4th August, 2022 passed by the Tehsildar under Sections 33 and 38 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, whereby the petitioner was directed to vacate the structure and hand over the possession of the same to the respondent-developer within a period of 15 days. The AGRC by the said order directed the competent authority to decide the pending application of the petitioner for his eligibility within 8 weeks from the date of the order. Further, the AGRC directed the respondent-developer to pay rent to the petitioner till the final decision of eligibility issue.

4. Learned counsel for respondent No.3 submitted that the developer must comply with the direction of the AGRC in as much as the rent in terms of the order dated 20th March, 2026 passed by the AGRC has to be paid to the petitioner.

5. Learned counsel however submitted on instructions of the petitioner who is present in the Court that the petitioner does not want to subject himself to be a part of the slum scheme and insists that he must be treated as the tenant of the MHADA. The petitioner submitted that he would file appropriate proceeding for declaring him to be a tenant of the MHADA. In

such view of the matter, learned counsel for the petitioner on instructions submits that he will not claim the rent as directed by the AGRC vide order dated 20th March, 2026 as he does not want to subject himself to the provisions of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971.

6. We had indicated to the learned counsel for the petitioner the consequence of the submission which the petitioner is making in as much as, *prima-facie*, we find that the respondents have rightly invoked the provisions of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971. We appreciate the predicament of learned counsel for the petitioner. However, it is the insistence of the petitioner who is present in person instructing learned counsel that he does not want to claim any rent in terms of the AGRC's order by subjecting himself to the provisions of the Slum Act and now wants to file an appropriate application for declaring himself to be a tenant of the MHADA, that we pass the following Order:-

- (i) Since the petitioner desires, the petitioner is at liberty to file appropriate proceeding for a claim that he is a tenant of MHADA and consequential reliefs.
- (ii) If such an application/proceedings are filed, the same shall be considered on its own merits and in accordance with law including

the question of maintainability.

(iii) It is made clear that we have not made any observation on the merits of the contentions nor should we be understood to have accepted the contention of the petitioner that the Slum Act is not applicable and it is for the appropriate forum before whom the petitioner approaches to decide the application and the objections raised on its own merits and in accordance with law.

7. In such view of the matter and in the light of the statement made by the learned counsel for the petitioner on instructions of the petitioner who is present in the Court who does not want to press the claim under the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 in terms of the Order passed by the AGRC, the petition is disposed of with the aforesaid liberty.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)