

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17390 OF 2025

Mahendra Babulal Chavan & Ors

..Petitioners

Versus

The Apex Grievance

...Respondents

Redressal Committee & Ors

Mr. S. R. Nargolkar, a/w Mr. Vinod Sangvikar, Ms. Neeta Patil,
for the Petitioners.

Ms. Nishigandha Patil, for the Respondent No. 1.

Ms. Aarushi Yadav i/by Ravleen Sabharwal, for Respondent
No. 2 (SRA).

Mr. Amogh Singh a/w Mr. Hemant Joshi, Mr. Rajkumar
Chandanshive, for Respondent No. 3.

Mr. Divyesh K. Jain i/by Mr. Nitin Gaware Patil, for
Respondent No. 4.

CORAM: N. J. JAMADAR, J.

DATE : 14th JANUARY 2026

ORDER:

1. Heard the learned Counsel for the parties.

2. The challenge in this petition is to an order passed by the Apex Grievance Redressal Committee ("the AGRC") in Appeal No. 185/2025 preferred against an order of eviction passed by the Deputy Collector dated 07th May, 2025 under Section 33 and 38 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 ("the Slum Act, 1971").

3. The Respondent No. 3 is a developer whose proposal to implement a Slum Rehabilitation Scheme at plot CTS No. 1425 of village Eksar for Jai Ganesh Co-operative Housing Society(R-4) has been accepted.

4. Jai Ganesh Co-operative Housing Society (R-4) filed a proceeding before the Slum Rehabilitation Authority for termination of the appointment of Respondent No. 3 as a developer of the subject slum rehabilitation scheme. By an order dated 18th August, 2025, the Chief Executive Officer, Slum Rehabilitation Authority terminated the appointment of Respondent No. 3 as a developer of the subject slum rehabilitation scheme.

5. The said order was carried in appeal before the AGRC, in Appeal No.378/2025. By an ad-interim order dated 21st November, 2025, the order passed by the CEO, Slum Rehabilitation Authority terminating the appointment of the Respondent No. 3 as a developer has been stayed. The said Appeal No. 378/2025 awaits adjudication.

6. In the meanwhile, the Deputy Collector has passed the order of eviction under Section 33 and 38 of the Slum Act, 1971 against the petitioners. Various grounds have been urged by the

petitioners against the order passed by the Deputy Collector before the AGRC. By the impugned order, the AGRC has repelled those grounds.

7. Mr. Nargolkar, the learned Counsel for the petitioners, submitted that, the AGRC has not considered the grounds urged on behalf of the petitioners, including a categorical contention that, the order of acceptance of the slum rehabilitation scheme submitted by the Respondent No. 3 was obtained by fraud.

8. The Court finds that, the AGRC has recorded in clear and explicit terms that, out of the petitioners, names of nine petitioners do not find mention in the Annexure-2, three of the petitioners have been declared eligible and three of them have been declared ineligible.

9. The petitioners, whose eligibility has been certified, would definitely be entitled to the benefits under slum rehabilitation scheme. So far as the petitioners who were declared ineligible and those whose name do not find mention in the Annexure-2, will have to work out their remedies against the non-inclusion of their names in Annexure-2 and/or the declaration that, they

were ineligible for rehabilitation under the slum rehabilitation scheme. This being the foundational flaw in the case sought to be canvassed on behalf of the petitioners, this Court does not find any reason to interfere with the order passed by the AGRC.

10. Since the very appointment of the Respondent No. 3 as a developer has been terminated by the CEO, Slum Rehabilitation Authority, and the appeal against the said termination is subjudice before the AGRC, the submission on behalf of the petitioners that, in such a state of uncertainty, the petitioners cannot be directed to vacate their premises appears justifiable. The outcome of the appeal preferred by the Respondent No. 3 before the AGRC would bear on the further development of the slum rehabilitation scheme.

11. In these circumstances, this Court is of the considered view that, the said Appeal No. 378/2025 preferred by the Respondent No. 3 against the termination of its appointment as a developer ought to be decided by the AGRC in an expeditious manner. In the meanwhile, the implementation of the order of eviction passed by the Deputy Collector under Section 33 and 38 of the Slum Act, 1971 deserves to be deferred.

12. The petition thus stands disposed with a direction to the AGRC to hear and decide the appeal No. 378/2025 expeditiously.

13. The AGRC is requested to list the Appeal No. 378/2025 for hearing in its sitting in the week commencing from 27th January, 2026 and hear and decide the said appeal within a period of one month thereafter.

14. In the meanwhile, the execution and operation of the order passed by the Deputy Collector under Section 33 and 38 of the Slum Act, 1971 shall remain stayed.

[N. J. JAMADAR, J.]