



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.17431 OF 2025**

Jagannath Balkrishna Sawant ... Petitioner
versus
The Deputy Collector (Special Cell)
and Ors. ... Respondent

Mr. A.M.Kulkarni with Mr. vidnyan Daware i/by Ms. Pooja A. Jadhav, for Petitioner.

Mr. Arun Panicker for Respondent Nos.2 and 3.

Mrs. Purnima Kantharia, for SRA.

Ms. Snehal Jadhav, AGP for Respondent No.7.

CORAM: N.J.JAMADAR, J.

DATE : 19 JANUARY 2026

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 11 November 2025 passed by the Deputy Collector (Special Cell), SRA, purportedly under Sections 33 and 38 of the Maharashtra slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, directing the Petitioner to vacate the subject premises, lest an action of forcible eviction of the Petitioner would be initiated.
3. Initially, an order was passed by the Tahasildar – III (SRA) on 27 June 2023 directing the Petitioner to vacate the structure and deliver possession of the premises underneath within a period of 48 hours, lest an action for forcible removal of the Petitioner would be initiated in accordance with the provisions contained in Sections 33 and 38 of the Act, 1971. The Petitioner had assailed

the said order in WP No.3622 of 2024.

4. It was the contention of the Petitioner that the structure of the Petitioner was not a part of the subject SR scheme. Thus, the SRA had no power to initiate action under Section 33 of the Act, 1971.

5. This Court disposed the said Writ Petition No.3622 of 2024 observing, inter alia, as under :

“3. Since the Petitioner is not claiming any right over structure bearing No.269 which is part of the scheme and according to the Petitioner, his structure is situated beyond SRA scheme, then he is right in submitting that the Slum Rehabilitation Authority cannot initiate action under section 33 of the Act against him.

4. Therefore, the writ petition is disposed of by clarifying that the action as per order dated 27 June 2023 shall be restricted to the structure bearing No.269 as per Annexure II. If the Petitioner's structure falls beyond the SRA scheme, such structure cannot be demolished by SRA.

6. It is the claim of the Petitioner that the Deputy Collector (Special Cell), SRA, by the impugned order dated 14 November 2025, has again passed an order of eviction against the Petitioner under Section 33 and 38 of the Act, 1971.

7. Mr. Kulkarni, learned Counsel for the Petitioner, submitted that the structure of the Petitioner does not fall within the ambit of the SR scheme. In fact, Structure No.269 was already demolished. As structure No.269 is not a

part of the subject SR scheme, the officers of the SRA had no jurisdiction to pass the impugned order directing eviction of the Petitioner from the subject premises.

8. Learned Counsel for Respondent Nos.2 and 3 countered the submissions on behalf of the Petitioner. It was submitted that, after the order in WP No.3622 of 2024 passed by this Court, necessary inquiry was conducted. It transpired that the subject hut is situated on the land which is the subject matter of the redevelopment scheme. The slum over which the Petitioner claims possessory rights and the slum at Sr. No.269 in Annexure II is one and the same, and, therefore, the Competent Authority has rightly ordered the eviction of the Petitioner. Learned Counsel sought to rely upon the orders passed in the previous proceedings.

9. It is evident that the Respondent Nos.2 and 3 are banking upon the documents and the opinion of the concerned authorities of MHADA obtained after the order was passed by this Court in WP No.3622 of 2024. The pivotal question as to whether structure bearing No.269, which was allegedly demolished, formed part of SR Scheme and that of the Petitioner is not part thereof, is a matter to be determined. In the order dated 12 March 2024 this Court in terms recorded that If the Petitioner's structure falls beyond the SRA scheme, such structure cannot be demolished by SRA.

10. In the aforesaid view of the matter, whether the subject structure forms

part and parcel of the SR scheme is a matter to be adjudicated by the authorities under the Act, 1971 and the Petitioner deserves an opportunity to assail the impugned order dated 14 November 2025 passed by the Deputy Collector (Special Cell), SRA.

11. Learned Counsel for the Petitioner submitted that the Petitioner would prefer an appeal against the order dated 14 November 2025 passed by the Deputy Collector (Special Cell), SRA, within a period of two weeks from today.

12. The Writ Petition, thus, stands disposed with liberty to the Petitioner to assail the order dated 14 November 2025 before the AGRC. In the event, the question of limitation arises, the time spent by the Petitioner in prosecuting this Petition may be accounted for under Section 14 of the Limitation Act, 1963. Thus, for a period of four weeks, the execution and operation of the impugned order dated 14 November 2025 passed by the Deputy Collector (Special Cell), SRA, stands stayed.

13. All contentions of all the parties are expressly kept open for being urged before, and adjudicated by, the Competent Authority.

(N.J.JAMADAR, J.)