

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1201 OF 2026

Dattatray Janardan Rajgire

Petitioner

versus

1. The Chief Executive Officer, SRA,
2. Samrat Co-op.Housing Society Limited, Pune,
3. Apex Grievance Redressal Committee, Mumbai

Respondents

Mr.Vineet Naik, Senior Advocate, with Mr.Sukand Kulkarni i/by Mr.Sudhanva S.Bedekar for Petitioner.

Mr.Deepak More for Respondent no.1.

Mr.Nishigandh Patil for Respondent no.2.

Ms.Ravleen Sabharwal for Respondent no.3 AGRC.

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

DATE: 2nd February 2026

P.C.

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

“a. This Hon’ble Court be pleased to issue an appropriate writ/order/ direction directing the Respondent no.3 to decide the appeal filed by the Petitioner against order dated 23.12.2025 passed by the Respondent no.1 rejecting the objections of the Petitioner to Notice dated 05.09.2023 published u/s.3(C) of the Act, as expeditiously as possible and in any case within a period of 4 weeks;
b. This Hon’ble Court be pleased to stay the effect and operation of order dated 23.12.2025 passed by the Respondent no.1 rejecting the objections of the Petitioner to Notice dated 05.09.2023 published u/s.3(C) of the Act and direct the Respondent no.1 to maintain status quo until the final decision on Appeal dated 14.01.2025 (Exh.A hereto) preferred by the Petitioner before the Respondent no.3.”

2. This petition has been filed to seek a direction from this Court to decide
the appeal preferred by the Petitioner before Respondent no.3 Apex Grievance

Redressal Committee ('AGRC') challenging an order dated 23rd December 2025 passed by Respondent no.1 rejecting the objections taken by the Petitioner to a Notice dated 5th September 2023 issued under Section 3(C) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1981 ('Slum Act'), which is pending adjudication before Respondent no.3 AGRC.

3. We have heard learned Senior Advocate Mr.Vineet Naik for Petitioner, Mr.More for Respondent no.1, Mr.Nishigandh Patil for Respondent no.2 and Ms.Sabharwal for AGRC.

4. Mr.Naik on behalf of the Petitioner has submitted that the notice dated 5th September 2023 under Section 3(C) of the Slum Act has been issued by the Respondent no.1 on a complete non-application of mind and only on a representation made by the tenants of Samrat Co-operative Housing Society Limited i.e. Respondent no.2. The Petitioner is the owner of the property on which Respondent no.2 co-operative housing society has formed the society. It has also been brought to our attention that in the facts of the present case, there are no slum dwellers in the Respondent no.2 society and in fact they are tenants and on a mere representation made by the so called tenants of the society, a notice under Section 3(C) of the Slum Act was issued to the Petitioner.

5. Further, it is also submitted on behalf of the Petitioner that there are nine tenants (fifteen rooms) out of whom one tenant has filed two suits before the Small Causes Court, at Pune, contending that the said tenant is a protected tenant in the property belonging to the Petitioner. The suit for injunction and declaration bearing Civil Suit No.138 of 2018 filed by one of the tenants is annexed to this

petition as Exhibit-C. It is, therefore, seen that the order dated 23rd December 2025 passed on the notice dated 5th September 2023 is an order which has been passed oblivious to the factual position, also without considering that there are no slum dwellers on the property, as owned by the Petitioner, but they are tenants and they are asserting their rights as tenants in parallel civil proceedings pending before the Civil Court, Pune.

6. Section 3(C) of the Slum Act envisages declaration of an area as a slum after publication of any slum rehabilitation scheme. However, it is Petitioner's contention that the notice under Section 3(C) could be issued only in respect of an area or a land which falls under the slum scheme. It is hence contended that the land in question is neither any slum nor there are slum dwellers on the property of the Petitioner and in fact the tenants there are asserting their rights as protected tenants. Also there are merely nine tenants and only on their representation the impugned order dated 23rd December 2025 seems to have been passed without considering the legal position and the facts of the case including to frustrate the eviction proceedings. The Petitioner has filed an appeal before the Respondent no.3-ARGC. We consider it appropriate that all these facts and the position in law be adjudicated in the right perspective by the Respondent no.3-AGRC. We are also informed that next meeting/hearing of Respondent no.3-AGRC is scheduled on 6th February 2026 and since the appeal of the Petitioner is pending adjudication against the impugned order, the same may be taken up expeditiously by the Respondent no.3-AGRC on the said date.

7. In view of the aforesaid submissions and our observations, we deem it appropriate to pass the following order :

ORDER

- (i) Respondent no.3-Apex Grievance Redressal Committee shall take up the appeal filed by the Petitioner for hearing on 6th February 2026 or on any other convenient day, and after giving an appropriate hearing to the Petitioner, a reasoned order be passed as expeditiously as possible and in any event within a period of six weeks post the hearing of the appeal, in accordance with law;
- (ii) Let all the parties be heard;
- (iii) In the mean time, till the disposal of the appeal by Respondent no3-AGRC, no further steps be taken by the Respondents in pursuance of the notice dated 5th September 2023 and the impugned order dated 23rd December 2025;
- (iv) All rights and contentions of the parties are expressly kept open;
- (v) The writ petition is disposed of in the above terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)