

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Writ Petition No.3369 of 2026

1. Chandrakant Ramchandra Jiman,
Age : 62 Years, Occupation : Retired,
Residing at : Hutment No.110, CTS No.444,
Plot No.168, Sarjubai Maharaj Din Chawl,
Kherwadi, Bandra (E), Mumbai-400051
and
2. Usman Gani Shaikh
3. Kavita Krushna Ghadi
4. Basanti Badriprasad Pal ...Petitioners

Versus

1. The State of Maharashtra,
Through its Secretary, Department of
Housing, Maharashtra State, Mantralaya,
Mumbai – 32.
2. The Chief Executive Officer,
Slum Rehabilitation Authority.
Bandra (E), Mumbai.
3. The Competent Authority-II
Slum Rehabilitation Authority
4. The Assistant Registrar
Slum Rehabilitation Authority.
5. The Executive Engineer
Slum Rehabilitation Authority.

6. M/s. Swaraj Associates
Malad(E), Mumbai.
7. Shri Rajhans SRA Co-operative
Housing Society
8. Additional Collector (Enc/Rem)
Eastern Suburbs
Slum Rehabilitation Authority. ...Respondents

Mr. Divyesh K. Jain, Advocate for Petitioners.

Smt.R.A.Salunkhe, AGP, for Respondents-State.

Mr.Aatish Tayade a/w Ms.Rutuja Shedge i/b. Ms.Ravleen Sabharwal
(Standing Counsel) for Respondents-SRA.

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

DATED : 16th March 2026

ORDER (PER S.M.MODAK, J.)

1. The Chief Executive Officer of Slum Rehabilitation Authority as per his Order dated 2nd July 2025 has decided a representation dated 14th July 2023 and Reminder Letter dated 28th August 2023 issued by the two Applicants. The Division Bench of this Court as per the Order dated 2nd April 2025 passed in the Writ Petition (L) No.11406 of 2024 directed Respondent No.2 therein to

decide the earlier representation and reminder given by the Petitioners therein within the period of six weeks. Accordingly, the Chief Executive Officer passed the abovesaid order. By this Petition, the Petitioner prays for issuing a writ of mandamus.

2. It will be material to consider the directions given by the Chief Executive Officer in the said order. In nutshell, they are as follows :-

- (i) The Competent Authority, SRA was directed to examine Annexure-II in the light of a report given by the Additional Collector.
- (ii) The Assistant Registrar, SRA was directed to attend the grievances of the Applicants relating to Co-operative Society issues and take necessary action.
- (iii) Executive Engineer was directed to examine the proposal of subject Slum Rehabilitation Scheme in view of the report of the Additional Collector.
- (iv) Respondent No.1 therein the Developer was directed to complete the subject Slum Rehabilitation Scheme and submit a Bar Chart regarding time bound implementation of the subject scheme.

- (v) The Executive Engineer was directed to monitor the subject Slum Rehabilitation Scheme and to see that the Scheme is completed as per Bar Chart every month.
- (vi) The Developer was directed to comply with the provisions of Circular No.210 of SRA before applying for permission.

3. By this Petition, the Petitioners are making following prayers :-

- (a) They want directions given in Clause No.(iv) and (v) of the abovesaid order to be set-aside.
- (b) They want compliance of other directions in the said order.
- (c) They want the Chief Executive Officer, SRA and Assistant Registrar, SRA to decide the fresh Representation dated 10th December 2025 and reminder dated 26th December 2025.

4. After going through the record, we find that instead of issuing directions to concerned authorities to decide the representation and reminder, it will be in the fitness of the things to direct the concerned authorities to seek compliance of the directions given in the order dated 2nd July 2025. It will be relevant to consider nature of directions given in Clause No.(iv) and (v). Clause No.(iv) mentions

about direction issued to M/s. Swaraj Associates who is Respondent No.6 in the present petition to complete the Slum Rehabilitation Scheme and submit a Bar Chart. Whereas Clause No.(v) of the said order directs the Executive Engineer to monitor the subject scheme and to see that the Scheme is completed as per the Bar Chart every month. The Petitioners want these directions to be set aside.

5. On this background, when we have read the order passed by the Chief Executive Officer, we find that considering the facts and circumstances, he has given several directions. On one hand, he has directed the Competent Authority to examine Annexure-II. At the same time, he has directed Executive Engineer to examine the proposal of a Slum Rehabilitation Scheme in view of the report given by the Additional Collector. Even considering the grievances of the Petitioners about the functioning of the Society, he has issued directions to the Assistant Registrar to attend the grievances to that effect made by the Petitioners and to take necessary action.

6. The direction to examine Annexure -II and the direction to examine the proposal of a Slum Rehabilitation Scheme were given

considering the grievances made by the Petitioners to that effect. Naturally, when those authorities will do that exercise and if they will find certain lacunae or irregularities, they are certainly entitled to liberty to pass necessary orders warranted by law. If the Petitioners are aggrieved even thereafter, they are at liberty to take appropriate steps as permissible as per the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act (for short 'Slums Act') which also includes preferring an Appeal under Section 35 of the Slums Act instead of directly approaching this Court.

7. So far as certain directions are concerned, the Petitioners certainly want the assistance of the Court by directing the concerned authorities to implement those directions. At the same time, the Petitioners want the "direction issued to the Developer to submit a Bar Chart" and "direction issued to the Executive Engineer to see that the Scheme is completed as per the Bar Chart", needs to be set aside. This is the request made by the Petitioners probably for the reason that the Petitioners are not happy with the functioning of the Respondent No.1 therein who is Respondent No.6 herein. Because

it is a grievance of the Petitioners that number of huts/structures have increased as compared to earlier number. Earlier, there were only 110 structures but now it is increased to 171 on the basis of forged and fabricated documents, is the grievance.

8. The Chief Executive Officer in his order observed that “the Petitioners are not having *locus standi* to challenge the appointment of the Developer or to seek his termination under Section 13(2) of the Slums Act”. The Petitioners are not satisfied with those direction Nos. (iv) and (v). But the issue is whether the prayer for setting aside those directions can be directly made to this Court. It cannot be made for the simple reason that those directions are given by the Additional Collector and there is a remedy of an Appeal available under Section 35(1)(A) of the Slums Act. Such an Appeal can be preferred before Grievance Redressal Committee. In view of availability of this remedy, we are not accepting the request of the Petitioners for setting aside those direction Nos.(iv) and (v).

9. It is important to note that Chief Executive Officer while issuing direction Nos. (i) (ii) and (iii) have directed the concerned

authorities to do compliance within the period mentioned therein which is three weeks from passing of the order. It is true the three weeks period has already expired from 2nd July 2024. We are not apprised about what is the status of the exercise done by the concerned authorities as per those directions. We presume that yet that exercise is not over.

10. In view of that, we can certainly ask the Chief Executive Officer to seek compliance of those directions by issuing necessary directions to concerned authorities. In view of that, the Petition can be disposed of by passing the following Order :-

ORDER

- (i) The Chief Executive Officer, SRA is directed to issue necessary directions to Competent Authority-II, Assistant Registrar, SRA and Executive Engineer as mentioned in direction Nos.(i) (ii) and(iii) of the Order dated 2nd July 2025.
- (ii) The Chief Executive Officer is directed to see that these authorities will comply with those directions in time

bound manner if it is not already complied.

- (iii) The Chief Executive Officer is directed to supervise implementation of those orders and to see that these directions be complied with within the period of 12 weeks from the date of passing of the order.
- (iv) The Petitioners are directed to co-operate with the said authorities in implementation of those directions.
- (v) After abovesaid compliance is made and if the Petitioners are having certain grievance, the Petitioners are at liberty to approach the Chief Executive Officer or else to prefer an Appeal as provided as per the provisions of Section 35 of the Slum Act.

11. In the light of the above directions, the Writ Petition is disposed of.

(S.M. MODAK, J.)

(M.S.KARNIK, J.)