

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5394 OF 2026

Khajabhai Sangam Coop Hsg Society Ltd ..Petitioners
Through Abdul Vahab Gafur Chaudhary and Ors

Versus

The State of Maharashtra Through Its Principal ...Respondents
Secretary Housing Dept and Ors

Mr. Akash Rebello (through VC), with Rajkumar Awasthi and Bushra Sayyed, for the Petitioner.
Mr. Bhushan Deshmukh, with Mayank Bagla and Siddhi Bhutada, i/b M/s Bagla and Associates, for the Respondent No.4.
Smt. S.S. Jadhav, AGP, for the Respondent-State.

CORAM: N. J. JAMADAR, J.

DATE : 5th MAY 2026

ORAL ORDER:

1. Heard the learned Counsel for the parties.
2. The Challenge in this Petition is to an order dated 21st January 2026 passed by the Apex Grievance Redressal Committee (“AGRC”) in Appeal No. 449 of 2025, preferred by the Petitioners against an order dated 12th November 2025 passed by the CEO, Slum Rehabilitation Authority, Pune and Pimpri Chinchwad Region, under Section 3D of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (“the Slum Act, 1971”) in respect of SR scheme situated on the plot of land bearing Survey No. 310/1, 310/2, CTS Nos. 4753, 4754
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and 4755 of Annasaheb Magar Nagar, Chinchwad, Pune 400 019. The AGRC was persuaded to dismiss the Appeal primarily for the reason that it had already considered the issues, raised by the Petitioners-Appellants, on merits and passed an order dated 28th October 2025. The said order dated 28th October 2025 governs the case of the Petitioners as well.

3. By the said order dated 28th October 2025 AGRC had inter alia directed as under:

“24.

(a) The CEO/SRA to enquire into the alleged irregularities in Annexure II and if it is notice that there is fraudulent inclusion of bogus name of slum dwellers than CEO/SRA, Pune to take appropriate steps and submit report to the Committee within three months.

(b) The Respondent No.2 Developer to register the society of eligible slum dwellers within 60 from the date of issue of Commencement Certificate in accordance with the provision of Development Control Regulation.”

4. Mr. Rebello, the learned Counsel for the Petitioners, submits that pursuant to the aforesaid directions, the CEO, SRA has enquired into the alleged irregularities in the Annexure II. According to his instructions, as many as 64 purported slum dwellers have been declared ineligible. It was submitted that the resultant effect is that the developer cannot be said to have consent of more than 70% of the occupants.

5. An Additional Affidavit has been filed on behalf of the Petitioners. Copies of the orders passed by the CEO, SRA declaring the ineligibility of some of the occupants are annexed thereto.

6. In opposition to this, Mr. Deshmukh, the learned Counsel for Respondent No.4, submitted that even if the above referred 64 occupants are eschewed from consideration, yet, Respondent No.4 can be said to have the consent of more than 70% of the occupants. Since the challenge in the said order before the CEO, SRA (R2) was to the clearance order passed under Sections 33 and 38 of the Slum Act, 1971, the subsequent determination of the eligibility and declaration that the claim of few of the occupants was bogus, even if taken at par, would not detract materially from the impugned order.

7. It was further submitted that the persons who have been declared ineligible have the statutory right of challenging the ineligibility and, thus, the declaration of ineligibility would not bear upon the aspect of slum clearance.

8. As noted above, the AGRC has passed the impugned order on the ground that it had earlier repelled an identical challenge by an order dated 28th October 2025 in Application No. 32 of 2024 and Appeal No. 332 of 2025. By the said order CEO, SRA was directed to enquire into the alleged irregularities in Annexure II and if it was noticed that there was fraudulent inclusion of bogus names of occupants then CEO would

take appropriate action and submit a report to the Committee within three months of the said order.

9. In view of the aforesaid directions *prima facie* it appears that the issue of enquiry into the allegation of fraudulent inclusion of the names of bogus occupants in the Annexure II cannot be said to be completely alien to the issue of implementation of SR Scheme.

10. Since the AGRC did not have the benefit of subsequent orders passed by the CEO, SRA pursuant to the directions in its order dated 28th October 2025, it would be appropriate to remit the Appeal back to the AGRC, for afresh decision in the light of the subsequent events and reports of the inquiry.

11. The Petition, therefore, stands allowed in the following terms:

: O R D E R :

(i) The impugned order dated 21st January 2026 stands quashed and set aside.

(ii) Appeal No. 449 of 2025 stands remitted back to the AGRC for afresh decision after providing an opportunity of hearing to the parties.

(iii) The AGRC shall have due regard to the orders passed by CEO, SRA, pursuant to the directions in its order dated 28th October 2025

and decide the Appeal on its own merits and in accordance with law.

(iv) It is clarified that this Court has not entered into other aspects of the matter and all contentions of all the parties shall be open for consideration by the AGRC.

Petition disposed.

[N. J. JAMADAR, J.]