

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6937 OF 2026

Ashish Tukaram Shelar and Ors ..Petitioners

Versus

State of Maharashtra The Slum Rehabilitation ...Respondents
Authority Through Deputy Collector and Ors

Mr. Satish Kumbhar, for the Petitioners.
Adv Priyanka Bhadrashete, for Respondent Nos. 1 and 2.
Mr. Y.D. Patil, AGP, for Respondent No.3.
Mr. D.R. Kawale, i/b Komal Punjabi, for Respondent Nos. 4, 7 & 8-
BMC.

CORAM: N. J. JAMADAR, J.

DATE : 8th JUNE 2026

ORAL ORDER:

1. By this Petition, the Petitioners seek to assail multiple orders passed by the Authorities under the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (“the Slum Act”) namely the certification of Annexure II dated 29th June 2021 declaring the Respondent No. 9 eligible for the benefit under the Slum Rehabilitation Scheme, an order passed in Appeal by the Appellate Authority, dated 30th October 2023, an order dated 1st January 2026 passed by the Grievances Redressal Committee in further Appeal No. 22 of 2024 and the order dated 20th April 2026 passed by the Deputy

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Collector (Special Cell) SRA, directing the eviction of the Petitioners at the instance of Respondent No. 6, the developer who is implementing the Slum Rehabilitation scheme, at the subject premises.

2. Mr. Satish Kumbhar, the learned Counsel for the Petitioners, submitted that the very inclusion of the name of Respondent No. 9 in Annexure II was illegal as the subject hut was held by Sunita Tukaram Shelar, the predecessor-in-title of the Petitioners. Respondent No. 9, who is the wife of Ganesh, one of the sons of Sunita Shelar, has on the basis of false documents falsely claimed to have been in the exclusive occupation of the subject hut. The further orders passed by the Authorities under the Slum Act, 1971, also suffer from vice of non consideration of the relevant material. It was submitted that the legitimate rights of the Petitioners as the heirs of the Sunita Shelar have been violated, although there is no declaration by any competent Court that the Respondent No. 9 is the sole heir of Sunita Shelar.

3. I have carefully perused the material on record. Both the Appellate Authorities, on the basis of the material, have returned concurrent findings of fact that the Respondent No. 9 was found in the occupation of the subject hut at the time of survey and, therefore, her name was included in Annexure II. Moreover, while certifying Annexure II and declaring Respondent No. 9 as eligible, the Competent Authority has taken into account a number of documents including the Affidavit

filed by the other heirs of late Sunita Shelar. The Appellate Authorities were not inclined to accede to the contention on behalf of the Petitioners that the said Affidavit was false.

4. In the face of overwhelming material to demonstrate that Respondent No. 9 had been in occupation of the subject hut, including the Affidavit of other heirs of Sunita, the findings of fact recorded by the Authorities under the Slum Act, 1971 do not warrant interference in exercise of the supervisory jurisdiction. The order passed by the Deputy Collector (Special Cell) SRA directing the eviction of the Petitioners as they are obstructing the implementation of the SR Scheme, is essentially consequential to the orders determining the eligibility of Respondent No.9.

5. In any event, the order of eviction passed by the Deputy Collector (Special Cell) is appealable under the provisions of the Slum Act, 1971.

6. In the aforesaid view of the matter, there is no propriety in entertaining this Petition.

7. The Petition thus stands dismissed.

[N. J. JAMADAR, J.]