

JYOTI
RAJESH
MANE

Digitally signed
by JYOTI
RAJESH MANE
Date: 2026.01.19
11:02:06 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.311 OF 2026

Tarabai Harishchandra Mhatre &Ors.

...Petitioners

Versus

The State Of Maharashtra

Through Its Principal

Secretary & Ors.

...Respondents

Mr. S.G.Kudle i/b.Mr. Santosh B. Sitap, for Petitioners.

Mr. Rakesh Pathak, AGP for Respondent No.1.– State.

Ms. P.H.Kantharia, for Respondent No.2-SRA.

Ms. Pushpa Yadav, for Respondent No.3-BMC.

Mr. Bhushan Deshmukh, Mr. Aniesh Jadhav, a/w. Viveka Truman, Hamza Mir

i/b. Lexicon Law Partners, for Respondent No.5.

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

DATE: 17 JANUARY 2026

P.C.

1. The Petitioners assert their rights as tenants of the land in question under the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948. They are aggrieved by the declaration of the said land as a Slum Rehabilitation Area under Section 3(C)(1) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971(hereinafter referred to as “the said Act”), by an Order dated 27 July 2021 passed by the Chief Executive Officer of the Slum Rehabilitation Authority.

2. The Petitioners have raised several grievances, including the grievance that

they were not granted an opportunity of hearing, which is a mandatory requirement under law before passing any order under Section 3(C)(1) of the said Act.

3. Though a substantive challenge to the said declaration is raised, Mr. Kudle, learned counsel for the Petitioners, has fairly conceded that sub-section (2) of Section 3(C) of the said Act provides a statutory remedy of Appeal against an order passed under sub-section (1) of Section 3(C) before the Apex Grievance Redressal Committee (AGRC).

4. In view thereof, we are of the opinion that it would be appropriate for the Petitioners to approach the AGRC to agitate their grievances against the declaration dated 27 July 2021 issued under Section 3(C)(1) of the said Act. If such an Appeal is filed before the AGRC within a period of three weeks from today, the same shall be heard and decided on its own merits.

5. We have not expressed any opinion on the merits of the rival contentions.

6. All contentions of the parties are expressly kept open.

7. The Petition is disposed of in the aforesaid terms.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)