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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
WRIT PETITION NO.416 OF 2026

|                             |                |
|-----------------------------|----------------|
| Khairunnisa Siraj Solkar    | ...Petitioner  |
| Versus                      |                |
| State of Maharashtra & Ors. | ...Respondents |

Mr. Rahul Chhatbar a/w. Mr. Sagar Batavia, for Petitioner.

Mr. Rakesh Pathak, AGP for Respondent -State.

Ms. Aarushi Yadav i/b. Mr. Ravleen Sabharwal, for Respondent No.2 - SRA.

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

DATE: 28 JANUARY 2026

P.C.

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

- a) That a writ of certiorari, writ of mandamus or any other appropriate writ, order or direction be issued calling for the records and after examining the legality and proprieties of the application, be ordered and directed respondent no.2 to decide the petitioner's application dated 28th March, 2024 within time bound schedule.*
- b) Such other and further relief as this authority may deem fit to grant.*
- c) The cost of this application be provide for.*
- d) Such other and further relief's as this Hon'ble court may deem fit to grant.*

2. We may observe that the grievance of the Petitioner is in regard to non-payment of arrears of transit rent and the inaction of Respondent No. 2 in not deciding the application dated 28<sup>th</sup> March 2024 filed by the Petitioner before Respondent No.2 in respect thereof which is pending since then.

3. These are the actions which are required to be considered by the appropriate Competent Authority of Slum Rehabilitation Authority. In such context we may refer to

the recent decision of this Court in *Om Shri Sai SRA Co-operative Housing Society Vs. State of Maharashtra and others* (Writ Petition NO.3140 of 2019, decided on 23-12-2025), wherein to address such grievance of the slum dwellers, a Special Cell has been formed by the Slum Rehabilitation Authority (SRA), which will determine such issues, as canvassed by the Petitioner. The factual aspects in the petition can be gone into including deciding the application dated 28th March 2024, as made by the Petitioner for such determination. It would be convenient to refer to the following observations made in *Om Shri Sai SRA Co-operative Housing Society Vs. State of Maharashtra and others* (*supra*) :

“5. Circular No. 230 deals with the constitution of a Special Cell to address complaints relating to possession of permanent alternate accommodation, particularly where permanent alternate tenements have not been handed over. Circular No. 231 concerns the recovery of transit rent. This circular makes a reference to the observations of this Court on a same embargo to be created on part of the free sale component, which can be dealt with only after the construction of the rehabilitation building is completed and all issues relating to payment of transit rent are addressed. The circular directs the Deputy Chief Engineer along with concerned officers to ascertain and decide the commensurate area of the free sale component as a corresponding security for payment of transit rent. It further records, that whenever a Letter of Intent is issued in relation to a Slum Rehabilitation Scheme, such Letter of Intent will include a condition qua the freezing of an appropriate lower floor(s) sale area. The computation of the free sale area, to be frozen, and/or not permitted to be dealt to be fixed by taking into consideration the number of slum dwellers, the monthly rent payable for an approximately three years’ rent cycle, and the corresponding Ready Reckoner value of the sale area.

6. Circular No. 232 concerns PAP/PTC tenements which have not been handed over to the Authority and which are under illegal occupation, in respect of which earlier Circular Nos. 162A and 225 were issued by the SRA. Circular No. 232 records that the developer shall not handover any rehabilitation tenements on its own, and that the respective Executive Engineers shall be responsible for implementation of the said circulars. It records that non-compliance of the stipulations on their part will be viewed as dereliction of duty and suitable action against them can be initiated. It further records that, in any scheme, PAP/PTC tenements are required to be

demarcated in accordance with Circular No. 209, and the procedure prescribed therein must be strictly followed, thereby providing for strict implementation of the said circular.

7. Circular No. 233 concerns rent in lieu of transit accommodation payable to slum dwellers and prescribes the methodology which would now be adopted for dealing with complaints relating to non-payment of transit rent. Such complaints to be dealt with and decided by the Special Cell instead of the one official who was overwhelmed with such complaints.

8. All these measures have been sought to be addressed by the SRA considering the observations made by the Court in the order as noted hereinabove. It is imperative to take note of the contents of the said circulars in the present order, so that whenever recourse is required to be taken by the relevant information is readily available to appreciate effective mechanism the SRA intends to set into motion under such circulars. These circulars read thus:-

***"CIRCULAR- 230***

*Hon'ble High Court in W.P. no 3140 of 2019 and other 62 Writ petitions observed that, there are case where long back the project are completed, however the persons who are eligible are yet to be put in possession of the permanent alternate tenements for number of reasons, for example either they are occupied by illegal occupants, inducted by the developers or the societies and/or the illegal occupants being inducted by third parties. In the scheme of things as it stands, it cannot be situation the eligible slum dweller is deprived of the possession of the tenements unless the slum dweller is himself guilty of having entered into any agreement and/or a manner not known law has created third party rights inducting such occupants.*

*In view of the above, Hon'ble High Courts observation it is decided as follow,*

*1. As per observation of Hon'ble High Court a "Special Cell against unauthorized occupation of rehabilitation tenements" is constituted as under,*

| <i>City</i>                              | <i>Eastern Suburb</i>                              | <i>Western Suburb</i>                              |
|------------------------------------------|----------------------------------------------------|----------------------------------------------------|
| <i>Dy. Collector (Special Cell) City</i> | <i>Dy. Collector (Special Cell) Eastern Suburb</i> | <i>Dy. Collector (Special Cell) Western Suburb</i> |
| <i>Assistant Registrar, City</i>         | <i>Assistant Registrar, Eastern Suburb</i>         | <i>Assistant Registrar, Western Suburb</i>         |
| <i>Executive Engineer-G/South Ward</i>   | <i>Executive Engineer-N Ward</i>                   | <i>Executive Engineer-K/East</i>                   |

*The above constituted Special Cell will be assisted by officers as required by them.*

*The Special Cell on receipt of grievances regarding illegal occupation of tenement allotted to eligible slum dweller and original slum dweller is deprived of permanent alternate tenement, illegal occupant in rehab tenement/PAP/PTC put in there by allottee slum dweller himself, random illegal occupant in rehab tenement/PAP/PTC, shall cause to inspect said tenement within two days.*

*As per inspection report, the Special Cell will decide which action need to be initiated in that case as per law and forward the report for Competent Officer responsible to the action.*

*The special cell will take review of the actions taken by the Competent Officers fortnightly and submit summary report to the CEO (SRA).*

*2. The eviction actions under section 3(E) and 33 of Slum Act shall be taken on regular basis by the Competent Officer to whom powers are delegated. These officers will complete the procedure of order and eviction within four weeks from the receipt of report from special cell.*

*3. The Competent Officer ensure that all issues in such category of unauthorized occupation matters need not reach the court unattended and such matters would be examine and dealt effectively at their level.*

*4. Competent Officers shall not pass the buck raising issues but their focus need to be on effective consideration of grievances of slum dwellers who are deprived of their legitimate permanent accommodation.*

*(Dr. Mahendra Kalyankar)*

*Chief Executive Officer, SRA Brihanmumbal*

### **CIRCULAR-231**

*Hon'ble High Court in W.P. no 3140 of 2019 and other 62 Writ petitions observed that persistent defaults made by Developers in payment of transit rent to the slum dwellers and the plight of the slum dwellers being required to run from pillar to post in receiving such payment Including to resort to litigation. To prevent such situations Hon'ble High Court directed to freeze a part of free sale component which can be permitted to be dealt only after the construction of the rehabilitation building is completed, and all issues relating to payment of transit rent are duly addressed. Such freezing of the premises needs to be of the immediate lower floors, depending on the size of floor and the approximate transit rent the developer would be required to pay to the slum dwellers, during the period of completion of the rehabilitation building.*

*Accordingly, the concerned Dy. Chief Engineer alongwith concerned Executive to ascertain and decide the quantity of free sale component. Whenever Letter of Intent is issued for a slum rehabilitation scheme, the letter of Intent will include freezing of appropriate lower floor sale area. computation of Sale area to be freeze will be done taking into consideration number of slum dwellers, rent per month for approximately three years rent cycle and corresponding ready reckon value for sale area.*

*In case of existing slum rehabilitation schemes, Engineering Department will evaluate transaction of sale component by developer and will freeze appropriate sale component as per situation. In cases where the free sale component is already sold, then corresponding bank guarantee need to be taken. Any, false statement by developer will be termed as perjury and he will be penalized accordingly.*

*The concern Executive Engineer will Intimate to the Registrar of Stamps, of the freezing of free sale component in the project. Further on rehabilitation of all the slum dwellers and on addressing all the issues relating to payment of transit rent will defreeze the said sale area, same shall be conveyed to Registrar of stamps.*

*(Dr. Mahendra Kalyankar)*

*Chief Executive Officer, SRA Brihanmumbal*

### **CIRCULAR 232**

*Hon'ble High Court recently in couple of Writ Petitions took a stern view of encroachment of rehab tenements. In slum rehabilitation schemes, PAP/PTC are generated as per regulation. Recently, there are Instances where it is observed that these PAP/PTC are not handed over to authority, instead, some illegal occupation is done. To avoid such instances, Authority had already issued circular no. 162A and circular no. 225. All rehabilitation tenements must be handed over to Estate Department of SRA. Developer shall not handover any rehabilitation tenement on his own. Respective Executive Engineers are responsible for Implementation of above circulars. Any dereliction on their part will be viewed as dereliction of duty and suitable action against them can be initiated. Dy. Chief Engineer to take bimonthly review.*

*In any scheme, PAP/PTC need to be demarcated as per circular no. 209 and further procedure as per circular must be done. Any dereliction on this will be termed as dereliction of duty.*

*Strict implementation of circular no.210 by Executive Engineer is warranted. Any dereliction will be termed as dereliction of duty.*

*Regular inspection of all the schemes by concerned Executive Engineer and his team is necessary. In event of any contrary work or procedure by developer is noticed, then immediate action by them is essential. "A stitch in time saves nine." So regular inspection and adherence to standard procedure should be scrupulously followed.*

*(Dr. Mahendra Kalyankar)*

*Chief Executive Officer, SRA Brihanmumbal*

### **CIRCULAR NO. 233**

*Sub: Rent in lieu of transit accommodation to slum dwellers*

*Ref: Circular No.153. Circular No.210, Section 33(B) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971.*

*Slum Rehabilitation Schemes approved by Slum Rehabilitation Authority, Brihanmumbai pay transit rent in lieu of transit accommodation to slum dwellers. The modifications In Circular No.153 are as follows,*

- 1. Developer shall pay initial transit rent for period of two years for slum dwellers with SRA & post-dated cheque for transit rent period of one year to SRA.*
- 2. If there are complaints regarding non payment of transit rent to slum dwellers, then these complaints will be adjudicated by "Special Cells for adjudication and recovery of transit rent" of designated officers. These cells will look into the issues of non payment of rent in the spirit of the orders passed by Hon'ble High Court in Writ Petition No.3140 of 2019 & 62 other writ petitions dated 17/12/2025...*
- 3. These "Special Cells for adjudication and recovery of transit rent" will adjudicate complaints within time limit of 15 days, these time limit can be extended by further 15 days for reasons thereof shall be recorded in writing. There should not be any delay in disposition of such complaint applications.*
- 4. After adjudication, when developer is required to pay rent to slum dweller, then he should be communicated Immediately and concerned Engineers should keep tab on payment of rent to slum dweller. If it is observed that, developer had not paid rent to slum dweller then proposal will be made to Dy. Collector (Special Cell) for recovery procedure as per Section 33(B) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971. The recovery procedure shall be initiated within two weeks.*
- 5. Concerned officers need to work in spirit for transit rent payment to slum dweller.*
- 6. Special Cells for adjudication and recovery of transit rent' will submit fortnightly report for review to OSD (IT) to CEO (SRA).*
- 7. "Deputy Collector (Special Cell)' will submit fortnightly report of report of recovery to OSD (IT) to CEO (SRA).*

*Proactive measures by Slum Rehabilitation Authority, Brihanmumbai are as follows,*

- 1. Co-ordinator Rent Auditor shall cause to audit all slum rehabilitation schemes for transit rent. Charter Accountants & Certified Auditors from panel of Divisional Joint Registrar Co-op. Soc. Mumbai will audit transit rent in schemes as directed by Co-ordinator Rent Auditor.*
- 2. Co-ordinator Rent Auditor will collect all information regarding transit rent payment to all slum dwellers in scheme after scrutinizing the report. Thereby preparing a master list of transit rent payment to slum dwellers which will show defaulted rent & date of next payment cycle to slum dweller. Co-ordinator Rent Auditor will inform the Developer for payment of defaulted rent and payment to slum dweller before start of next cycle of payment. Co-ordinator Rent Auditor will inform the same to Assistant Registrar Co-op. Soc. & concerned Engineers.*

3. Objective of this exercise is for timely payment of transit rent to slum dwellers, so that SRA can respond before slum dwellers are aggrieved.

4. Executive Engineer and Assistant Registrar C.S. (SRA) will issue notices to all ongoing Slum Rehabilitation schemes and ask to pay rent to all displaced slum dwellers as well as submit self declaration for all slum dwellers, which will be checked by Executive Engineer, Dy. Collector (Special Cell) and Assistant Registrar C.S. (SRA).

Procedure regarding recovery of defaulted transit rent payment is as follows,

1. When it is established that developer has defaulted the transit rent payment concerned Engineer shall immediately issue Stop Work Notice to sale portion of slum rehabilitation scheme. Then concerned Assistant Registrar Co-op. Soc and Engineer shall move proposal for encashment of deposits by developer in SRA. Slum Dweller will be paid after encashment immediately by Finance Controller.

2. Commencement of work will begin after restoration of deposits by developer.

3. If deposits are not enough to cover defaulted rent, then a proposal for recovery under Section 33(B) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 will be initiated before Dy. Collector (Special Cell) by Assistant Registrar Co-op. Soc, concerned Engineer and Finance Controller (SRA).

4. After recovery by Dy. Collector (Special Cell), Finance Controller (SRA) will disburse defaulted rent to slum dwellers in proposal for recovery and inform the same to Assistant Registrar C.S. (SRA).

5. Assistant Registrar C.S. (SRA) will keep information regarding payment of rent to applicant slum dwellers and will submit fortnightly report to OSD (IT) to CEO (SRA).

6. Finance Controller (SRA) will submit fortnightly report regarding deposit and disbursement of transit rent to CEO (SRA) with copy to Assistant Registrar C.S. (SRA).

(Dr. Mahendra Kalyankar)

Chief Executive Officer, SRA Brihanmumbai

To,

1. OSD to CEO, SRA Brihanmumbai
2. OSD (IT) to CEO, SRA Brihanmumbai
3. Secretary SRA, Brihanmumbai
4. Dy. Chief Engineer-I & II, SRA Brihanmumbai
5. All EE, SRA Brihanmumbai
6. CLC, SRA Brihanmumbai
7. Dy Collector (Special Cell)- I, II & III, SRA Brihanmumbai
8. All Competent Authority, SRA Brihanmumbai
9. ARS, SRA Brihanmumbai

10. FC, SRA Brihanmumbai
11. DDTP, SRA Brihanmumbai
12. DDLR, SRA Brihanmumbal
13. Co-ordinator Officer (Audit) Co-operative Department
14. Co-ordinator Officer (Administration) Co-operative Department
15. Estate Manager, SRA Brihanmumbai
16. IT, SRA Brihanmumbal

### **Office order**

*Slum Rehabilitation Authority, Brihanmumbai has constituted following "Special Cells" of designated officers for recovery of transit rent to slum dwellers in spirit of order of Hon'ble High Court in Writ Petition No.3140 of 2019 and other 62 writ petitions.*

*"Special Cell No.1 for adjudication and recovery of transit rent"*

1. Co-Ordinator Officer Administration Co-Operative Department
2. Assistant Registrar Co-Op. Soc. (Suburb)
3. Tahsildar (Special Cell), City
4. Assistant Engineer (G/South Ward)

*"Special Cell No.2 for adjudication and recovery of transit rent"*

1. Co-Ordinator Officer (Rent Audit), Co-Operative Department
2. Assistant Registrar Co-Op. Soc. (City)
3. Tahsildar (Special Cell), (Eastern Suburb)

4. Assistant Engineer (S Ward)

(Dr. Mahendra Kalyankar)

Chief Executive Officer, SRA Brihanmumbai

To,

1. OSD to CEO, SRA Brihanmumbal
2. OSD (IT) to CEO, SRA Brihanmumbai
3. Secretary SRA, Brihanmumbai"

9. In our opinion, the aforesaid steps taken by the SRA will go a long way and have a substantial impact on effective resolution of the grievances of the slum dwellers on the issues of non-payment of transit rent and the method of securing the payment of transit rent, illegal occupation of rehabilitation tenements and possession of the same being not handed over to the legitimate allottee/slum dweller. We appreciate the promptness of the Chief Executive Officer for taking such proactive measures by appropriately estimating the objectives which need to be achieved, which we have repeatedly emphasized, namely, that the implementation of the Slum Rehabilitation (SR) Scheme needs to be seamless and free from any bottlenecks for the different stakeholders. A Slum Scheme needs to be implemented smoothly, without requiring any of the players, whether slum dwellers, the society, or the developer to resort to any litigation, and without conflicts/frictions amongst such stakeholders. The avalanche of disputes has created an additional burden on the official machinery of the Slum

*Rehabilitation Authority (SRA) which ought not to arise if these stakeholders adhere to rules and regulations in discharge of their respective obligations. It may be observed that, under the redevelopment framework envisaged by the provisions of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, read with Regulation 33(10) of the Development Control and Promotion Regulations (DCPR) 2034, specific obligations are cast upon all stakeholders involved in the scheme, which need to be discharged by such players with utmost diligence and honesty.*

*10. These obligations which arise in different forms are required to be discharged without generating disputes. Time and experience has shown the issues/areas of such disputes which by now appear to be well identified to name some of them; vacating of slum structures, provision of transit accommodation, payment of transit rent, hurdles in the construction of the rehabilitation buildings or the free-sale component, and claims relating to interest on arrears of transit rent, illegal occupation of the tenements, delay in allotment of tenements and delay in execution and completion of the Slum Scheme. These are some of the areas in which disputes under slum rehabilitation schemes frequently arise, resulting in matters being taken before various authorities and, ultimately, the courts. In this view of the matter, we have considered the stand taken by the Chief Executive Officer to be progressive, in issuing the aforesaid circulars, the contents of which we have noted hereinabove.*

*11. On the aforesaid backdrop, we are of the clear opinion that, in the spirit with which the aforesaid circulars have been issued by the CEO, SRA constituting the special cell(s), the issues relating to transit rent as raised in these Petitions as also the grievances regarding non-handing over of permanent alternate tenements or a combination of both these issues are now required to be effectively considered by the special cells constituted by the Slum Rehabilitation Authority (SRA). The methodology in this regard has already been set out in the circulars.*

*12. Thus the expectation would be that the special cell addresses the grievances expeditiously and in accordance with law that is, upon due consideration of the facts of each case, and not in a mechanical manner. The officers manning the special cells must be alive to the genuine grievances of the stakeholders and how best the issues can be resolved, this more particularly, on issues which directly affect the slum dwellers like when grievances are raised by the slum dwellers like non-payment of transit rent, which itself involves the assertion of the right to shelter, being a facet of Article 21 of the Constitution of India. A similar position would prevail where a legitimate entitlement to a permanent alternate tenement is denied.*

*13. In this view of the matter, the grievances /complaints need to be considered at the first instance in an amicable manner, without any stakeholder perceiving such consideration as adversarial. The reason being that it is not in any interest of the slum dwellers that they be involved in any litigation. Hence, an approach of resolution of these issues in harmony is the need of the hour, rather than adjudication. Such, indeed needs to be*

*the very purpose and endeavor behind the constitution of these special cells failing an amicable resolution, necessarily an order would be required to be passed.*

*14. We clarify that the constitution of the special cells pursuant to our orders is not intended to create any independent adjudicatory mechanism, but rather to provide a forum where issues are considered and addressed in a cordial and constructive manner, albeit culminating in an order. Once such order is passed, it shall be an order passed by the officials of the SRA as normally being done in exercising such powers as conferred under the Slums Act.*

*15. It is needless to observe that albeit the aforesaid mechanism the propensity to litigate on the part of some the stakeholders cannot be entirely ruled out. Despite such determination, parties may still feel aggrieved. However, once a factual determination by the cell is available on record as fairly stated on behalf of the SRA, it shall be open to the parties to avail of appropriate remedies as statutorily prescribed under the provisions of law by approaching the competent statutory forums, wherein further adjudication of such grievances may be undertaken.*

*16. We also sound a note of caution that the endeavor of the special cells, ought not to be, to generate further litigation, but rather to amicably resolve disputes, even by taking recourse to appropriate mediation practices. In this regard, the Chief Executive Officer may consider calling upon the members of the special cells to undergo training in mediation practices, which is the need of the hour, more particularly in light of the promulgation of the Mediation Act, 2023. In our opinion, this is a crucial exercise, as the overarching endeavor must be to curb litigation and bring about a win-win situation for all stakeholders.*

*17. In light of the aforesaid observations, we permit the Petitioners to make their respective applications, subject matter of the present proceedings, before the appropriate special cells created for such purpose. Upon receipt of such applications, they shall be taken forward for consideration and for passing appropriate orders consensually or otherwise in accordance with law.”*

4. In this view of the matter, the petition can be conveniently disposed of by permitting the Petitioner to assert their grievances before the Special Cell. We direct that the representation dated 28th March 2024 or any other comprehensive additional representation which the Petitioner intends to file, which shall be filed within two weeks from today, be appropriately examined by the Special Cell as constituted by SRA, which shall proceed to hear all the stake holders and pass appropriate orders in terms of the

time limits as directed by this Court in *Om Shri Sai SRA Co-operative Housing Society Vs. State of Maharashtra and others (supra)*. All contentions of the parties in that regard all expressly kept open.

5. The petition is disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)