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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2502 OF 2025

Saroj Indreshkumar Dube

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. G. R. Dwivedi for Petitioner.

Ms. Ravleen Sabharwal a/w Aarushi Yadav for Respondent Nos. 4 & 5.

Ms. Pushpa Yadav for Respondent-BMC.

Mr. Rakesh Pathak, AGP for the State.

Mr. Deepak, Colony Officer, G/north.

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

DATE: 07th JANUARY 2026

P.C.

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

“(a) The Respondent Nos. 2, 4, 5 and 8 are jointly and severally
responsible to pay the arrears of transit rent.

(b) The Respondent Nos. 2 and 4 are responsible for paying the transit
rent, as the Affidavit-in-Reply by the Respondent Nos. 2, 3 and 5 are
responsible to ensure the remaining transit rent to be paid to the
Petitioner jointly and severally through the Respondent No.8 to ensure
the full payment and also increased rent since 2015 to October 2018 @
Rs. 18,000/- per month and remaining period from April 2006 to
October 2018 and transit rent paid half of the computation by the
Respondent No.8 may be bound to pay the arrears of rent as increased

as some interest, which may Lords may decide under the parameters of natural justice.”

2. By our order passed on batch of Petitions in **Om Shri Sai SRA Co-operative Housing Society Vs. State of Maharashtra and others**, we have accepted the fair stand as taken on behalf of the SRA for constituting a Special Cell to adjudicate the issues in regard to the several issues which at the outset can be resolved at the departments level, including the non payment of the transit rent. The relevant observations in that regard are required to be noted:-

“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.

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 Brihanmumbai
13. Co-ordinator Officer (Audit) Co-operative Department
14. Co-ordinator Officer (Administration) Co-operative Department
15. Estate Manager, SRA Brihanmumbai
16. IT, 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.

18. Having regard to the above discussion, we do not propose to delve into the merits of the individual cases before us, all issues in these proceedings are kept open to be considered by the special cells appointed by the Slum Rehabilitation Authority (SRA) which shall examine such grievances and after hearing the Petitioners and the opponents, decide such applications which may be received by the Special Cells. ”

3. In the present case, certain amount of transit rent is already received, is the contention urged on behalf of the SRA.

4. We do not intend to delve into these issues at this stage. Having regard to the judgment and order passed in *Om Shri Sai SRA Co-operative Housing Society (supra)*, we are of the considered opinion that it would be appropriate for the Special Cell constituted for this purpose to decide the grievance of the Petitioners. Accordingly, the application filed by the Petitioners, presently pending before the Competent Authority, is transferred to the Special Cell. The Special Cell shall consider the grievance of the Petitioners and pass appropriate orders in accordance with law, as expeditiously as possible, and in any event within a period

of fifteen (15) days, as directed by this Court *Om Shri Sai SRA Co-operative Housing Society (supra)*. All contentions of the parties in that regard are expressly kept open.

5. Disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)