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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 3185 OF 2025

Ramcharitra Jaynandan Yadav	...Petitioner
Versus	
New Ajmera Construction & Ors.	...Respondents

Mr. Pradeep Thorat a/w. Mr. Virat Gupta a/w. B. Dubey, for Petitioner.
Mr. Girish M. Agarwal a/w. Mr. Utkarsh Pandey, for Respondent No.1.
Mr. Amogh Singh a/w. Shailesh Pal, for Respondent No.2.
Ms. Ravleen Sabharwal a/w. Ms. Arushi Yadav, for Respondent No.3(SRA).

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

DATE: 22 JANUARY 2026

P.C.

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

- i. That in the interest of justice this Hon'ble Court be pleased to issue a writ of mandamus or any other appropriate writ or order directing the Respondents to comply and implement and act in accordance with the original plan, submitted by the developer and approved by the SRA being plan dated 23.07.2020.
- ii. That in the interest of justice this Hon'ble Court be pleased to issue a writ of mandamus or any other appropriate writ or order directing the Respondents to allot the Shop No.31 to the present petitioner and the amended plan dated 21st April 2023 be amended to that extent and the Shop No.31 be reflected in consonance with Annexure-II Sr No. 72.
- iii. That in the interest of justice this Hon'ble Court be pleased to

issue a writ of mandamus or any other appropriate writ or order directing the Respondents to put the present petitioner in physical use, occupation and possession of the Shop No.31 in the newly constructed building in accordance to Annexure- II Sr No. 72.

iv. That pending the hearing and final disposal of the present WRIT, the respondents be restrained from creating any third party rights in respect of the newly constructed Shop no.31 on ground Floor, further the respondents be restrained from putting any other third person into physical use, occupation and possession of the Shop No.31 till disposal of the present WRIT PETITION

v. That this Hon'ble Court be pleased to issue a writ of mandamus or any other appropriate writ or order thereby directing respondents to furnish the due transit rent as per clause No.51 mentioned above to the tune of Rs. 375,000/- (for commercial) and Rs. 220,000/- (for residential) aggregating to a total of Rs.595,000/-

vi. This Hon'ble Court be pleased to issue a writ of mandamus, or any other appropriate writ or order directing the respondent SRA to initiate detailed enquiry so as to investigate as to how the developer has put shopkeepers into physical possession of the shop without obtaining the occupation certificate from the SRA

vii. This Hon'ble Court be pleased to issue a writ of mandamus or any other appropriate writ or order to alternatively direct the respondent and its officer to initiate detailed enquiry to unearth the scam as many illegal and unlawful occupants have been inducted in the Annexure-II who are not the actual residents of the CTS NO. 738 B/ 1A..

viii. This Hon'ble Court be pleased to issue a writ of mandamus or any other appropriate writ or order to issue appropriate Writ thereby calling upon and directing the respondents herein to refrain from putting up any further construction without furnishing the due transit rent and also only after obtaining further C.C. From SRA

ix. Cost of the petition be provided for.

x. Any other and further reliefs as this Hon'le Court may deem fit and proper.

2. Thus, the primary relief sought by the Petitioner is that the Petitioner was running a flour mill and requires to be accommodated in premises situated on

the ground floor. We are informed that the redeveloped building is yet to receive the Occupation Certificate.

3. There is also an issue with regard to transit rent. However, Ms. Sabharwal, learned counsel appearing for the SRA, on instructions, submits that the Developer has deposited the transit rent amount with the SRA, and if the Petitioner is found to be eligible, the Petitioner would be entitled to receive the same from the Competent Officer of the SRA. Accordingly, the petitioner needs to apply in this regard.

4. Insofar as the grievance of the Petitioner regarding the allotment of alternate premises is concerned, we are of the opinion that such grievance is required to be decided by the Special Cell constituted by the SRA, as observed by this Court in *Om Shri Sai SRA Co-operative Housing Society Ltd. v. State Of Maharashtra And 2 Ors.*¹, wherein the constitution of the Special Cell and the tasks required to be performed by the special Cell was considered by this Court. We note the relevant observations as made by the Court in the said order, which reads thus:

“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

1. 2025 SCC OnLine Bom 5570

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.

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, being 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:

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

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 reckoner 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 Brihanmumbai

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 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

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 Brihanmumbai
2. OSD (IT) to CEO, SRA Brihanmumbai
3. Secretary SRA, Brihanmumbai”

5. Accordingly, we direct the Petitioner to approach the Special Cell within one week from today. If the Petitioner so approaches, the grievance of the Petitioner shall be decided by the Special Cell in accordance with the timeline as directed by this Court in *Om Shri Sai SRA Co-operative Housing Society Ltd.*

All contentions of the parties are expressly kept open.

6. Needless to observe that the Petitioner shall be entitled to rely upon the proceedings of this Petition before the Special Cell. The petitioner shall also be permitted to seek the amount of transit rent from the competent officer of the sra, in the event the petitioner is found to be eligible, the amounts be accordingly disbursed. If any such application is made, the same shall be decided in accordance with law. All contentions of the parties in that regard are also expressly kept open.

7. The Petition stands **disposed of** in the aforesaid terms.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)