



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 18500 OF 2025**

Shree Gurukrupa SRA Co-op Hsg Sty ...Petitioner
Versus
Minister of State, Home (Rural) Housing School
Education Co-operative Mining Department & Ors ...Respondents

WITH
INTERIM APPLICATION (L) NO.24087 OF 2025

AND
WRIT PETITION (L) NO. 18923 OF 2025

Sateri Builders & Developers LLP ...Petitioner
Versus
Minister of State, Home (Rural) Housing School
Education Co-operative Mining Department & Ors. ...Respondents

WITH
INTERIM APPLICATION (L) NO.24090 OF 2025

Mr. Mayur Khandeparkar i/b Mr. Rishi Nirav Bhatt for Petitioner in WPL/18500/2025.

Mr. A. Y. Sakhare, Sr. Adv. a/w Mr. Makarand M. Kale i/b Yogesh S. Sankpal for Petitioner in WPL/18923/2025.

Mr. P. K. Dhakephalkar, Sr. Adv. i/b Piyush Deshpande for Applicants/Intervenors

Dr. Milind Sathe, Sr. Adv. a/w Mr. Bhushan Deshmukh, Ms. Ravleen Sabharwal i/b R S Justicia Law Chambers for R. No. 2 & 3 SRA in WPL/18500/2025 and WPL/18923/2025

Ms. Lavina Kriplani, AGP for State in WPL/18500/2025

Mr. Vikrant Parashurami, AGP for State in WPL/18923/2025

Mr. Makarand M. Kale i/b Yogesh S. Sankpal for Respondent No.4 in WPL/18500/2025



2025:BHC-OS:14013-

Mr. Rishi Nirav Bhatt for Respondent No. 4 in WPL/18923/2025

Mr. Firoz Bharuch i/b M/s. Pandya & Poonawala Ms. Farida Poonawala Tata, Partner of M/s. Pandya & Poonawala for R. No. 8 in WPL/18500/2025 and WPL/18923/2025

Mr. Atul Damle, Sr. Adv. a/w Ms. Payal Vardhan for Respondent No.9 in all matters

Ms.Reena Salunke a/w Ms. Rupali Adhate i/b Ms. Komal Punjabi for BMC in all matters.

Mr. Nikalje, Sub-Engineer (Estate Department) present in Court

**CORAM : G.S. KULKARNI &
ARIF S. DOCTOR, JJ.
RESERVED ON : 5th AUGUST, 2025.
PRONOUNCED ON: 22nd AUGUST 2025.**

JUDGMENT (PER ARIF S. DOCTOR J.)

1 Given the commonality of the facts, the parties and the challenge in the captioned Writ Petitions, both the captioned Writ Petitions were heard together and are being disposed of by this common order. For the sake of convenience, reference to the parties and the facts shall be in the context of Writ Petition (L) No. 18923 of 2025, i.e., the Petition filed by Sateri Builders and Developers LLP.

The facts, broadly stated, are as follows:

2 In November 2020, the Petitioner was appointed as the Developer by Respondent No. 4, i.e., a society of slum dwellers, for the redevelopment of a plot of land bearing F.P. No. 187 (pt.), situated at Vile Parle, Mumbai ("the Original Plot"), under a Slum Rehabilitation Scheme. Respondent No. 4 is the



Petitioner in Writ Petition (L) No. 18500 of 2025.

3 On 2nd December 2020, the Petitioner submitted a proposal for redevelopment in compliance with Circular No. 144 issued by Respondent No. 2, i.e., the Slum Rehabilitation Authority (SRA), and the Development Control and Promotion Regulations (DCPR) 2034 for the redevelopment of the Original Plot. On 29th December 2020 the Petitioner submitted a draft Annexure II of the occupants of the Original Plot to Respondent No. 2, who sent the same to the MCGM for verification and certification. On 19th January 2021, the draft Annexure II of the Original Plot was duly verified by the AMC & CA, K/East ward, and forwarded to Respondent No. 2.

4 Respondent No. 2 thereafter, *vide* an administrative order dated 25th February 2021, accepted the slum rehabilitation proposal submitted by the Petitioner on the condition that the Petitioner also accommodates and rehabilitates the occupants of the adjoining D.P. road known as Dayaldas Road, bearing F.P. No. 187(pt), ("DP Road Plot") into the slum rehabilitation scheme as 'persons affected by the project', i.e., PAP's. Accordingly, a draft Annexure-II in respect of the PAP's was prepared, and the same was also verified and published by the MCGM in May 2021.

5 On 11th April 2022, Respondent No. 6, i.e., the Assistant Commissioner of the K/East Ward, issued an NOC to the Petitioner in respect of the redevelopment proposal submitted by the Petitioner. This NOC also had the same condition of accommodating and rehabilitating the occupants of the DP Road, i.e., the PAP's into the said scheme. The Petitioner accepted the said



condition, pursuant to which Respondent No. 2 issued a Letter of Intent (LOI) dated 4th May 2022 and an Intimation of Approval (IOA) dated 10th May 2022 to the Petitioner.

6 It is required to be set out at this stage that Respondent No. 9 (a local MLA) had, since the time that the Petitioner was appointed as the Developer in respect of the said slum rehabilitation scheme, been addressing several letters¹ to the Respondent Authorities, raising various objections to the grant of permissions/sanctions to the Petitioner in respect of the said slum rehabilitation scheme. It is the case of the Petitioner that Respondent No. 9 was acting in support of Respondent No. 8, who is stated to be a rival developer who was attempting to hijack and take over the said slum rehabilitation scheme from the Petitioner.

7 The LOI and IOA issued in favour of the Petitioner were challenged by certain non-cooperating slum dwellers before the Apex Grievance Redressal Committee (AGRC), essentially on the ground that (i) the sanction of the said scheme was bad since the Petitioner's proposal was only in respect of Final Plot No. 187 and not the DP Road Plot, and hence the proposal submitted by the Petitioner and the scheme sanctioned, were at variance; (ii) the Petitioner had excluded the DP Road Plot to circumvent the provisions of Circular No. 144, which required the consent of atleast 51% of the slum dwellers; and (iii) the action on the part of Respondent No. 2 in accepting the Petitioner's fresh proposal in respect of the larger area amounted to a review of an earlier decision

¹Letters dated 11th January 2021, 12th January 2021, 17th January 2021, 28th January 2021, 18th May 2022 and 27th June 2022.



taken by Respondent No. 2, which was legally impermissible.

8 The AGRC, *vide* its order dated 28th July 2022, allowed the application filed by the non-cooperating slum dwellers and quashed and set aside the LOI issued in favour of the Petitioner. Aggrieved by the decision of the AGRC, the Petitioner and Respondent No. 4 both filed Writ Petitions² before this Court, independently impugning the order dated 28th July 2022 passed by the AGRC. This Court, *vide* a common order dated 2nd April 2024, was pleased to allow both the Writ Petitions, setting aside the order dated 28th July 2022 passed by the AGRC and reinstating the Petitioner's proposal for redevelopment, i.e., the LOI dated 4th May 2022 and the IOA dated 10th May 2022.

9 The common order dated 2nd April 2024 was challenged before the Hon'ble Supreme Court by the non-cooperating slum dwellers who filed Special Leave Petition No. 10247-48 of 2024 ("SLP"). The Hon'ble Supreme Court, by its Order dated 13th May 2024, dismissed the SLP in the following terms:

"The learned senior counsel appearing for the first respondent has invited our attention to paragraphs 4 and 5 of the affidavit dated 9th May, 2024. He states that in addition to 164 slum dwellers mentioned in paragraph 4 of the affidavit, the first respondent will provide the similar benefit of accommodation/rehabilitation to 47 occupants of D.P. Road (Dayaldas Road) abutting Final Plot No. 187 in the Slum Rehabilitation Scheme. He states that 164 slum dwellers mentioned in paragraph 4 are in the original area which is permitted to be redeveloped.

The learned counsel appearing for the first respondent states that the benefit of accommodation/rehabilitation will be granted to 47 occupants of the D.P. Road duly certified by the Municipal Corporation of Greater Mumbai.

² Writ Petition No. 511 of 2023 filed by the Petitioner herein and Writ Petition No. 528 of 2023 filed by Respondent No. 4 herein.



In view of what is stated in the affidavit of 9th May, 2024 and the statement made across the Bar by the learned counsel appearing for the first respondent on instructions, the Special Leave Petitions are disposed of. ...”

10 Following the dismissal of the SLP, the Petitioner addressed a letter, dated 16th May 2024, to the dissenting slum dwellers, requesting them to co-operate with the Petitioner in implementing the Slum Rehabilitation Scheme and to collect their rent for 2 years and vacate their respective premises. The dissenting slum dwellers, however, refused to vacate their respective premises and instead addressed a communication dated 28th May 2024 to Respondent No. 2, calling upon Respondent No. 2 to issue a Stop Work Notice in respect of the Petitioner's slum rehabilitation scheme.

11 The Petitioner requested Respondent No. 2 to intervene and take the necessary steps to help the Petitioner implement the slum scheme. Respondent No. 2, instead, issued a Stop Work Notice dated 21st June 2024, calling upon the Petitioner to submit the duly certified Annexure-II in respect of the PAP's and also to comply with Circular No. 210 issued by Respondent No. 2, i.e., to deposit two years' advance rent and issue postdated cheques for the third year.

12 The Petitioner's architect thereafter, on 27th June 2024, submitted a phase-wise plan for the implementation of the said scheme, categorising the said scheme into three phases. The Petitioner also subsequently deposited with Respondent No. 2 the advance rent for 2 years and post-dated cheques for 1 year in respect of 14 structures that were affected by phase I of the said scheme. The Petitioner also deposited rent in a similar manner for 70 more structures on 31st October 2024. Respondent No. 2 thereafter withdrew the Stop Work



Notice dated 21st June 2024 on the condition that the Petitioner would not demolish the structures of the PAP's until the finalisation of Annexure II in respect of the DP Road Plot.

13 On 21st November, 2024, Respondent No. 2 issued a revised IOA to the Petitioner in respect of the said scheme. The Petitioner, on the same day, based on the revised IOA, submitted an application for the issuance of a commencement certificate ("CC") through its architect.

14 Upon submission of the application for CC, the Petitioner was again directed by Respondent No. 2 to seek an NOC from Respondent No. 6. The Petitioner accordingly submitted various NOCs from the different authorities for the grant of the CC.

15 On 9th December 2024, the Executive Engineer of Respondent No. 2 addressed a letter to the Deputy Municipal Commissioner of MCGM (Estate Department), Respondent No. 5, and Respondent No. 6 seeking an NOC in terms of Regulation 2.8³ of 33(10) of the DCPR 2034.

16 The Petitioner also addressed various communications to the Respondent Authorities, requesting that a survey be conducted for the DP Road Plot and the Annexure-II certifying the names of the eligible PAP's be issued. The Petitioner also addressed several letters to the Respondent Authorities requesting them to issue the CC to the Petitioner.

3 2.8 As soon as the approval is given to the Project, the NOC for building permission of the landowning authority shall be given in respect of that slum located on lands belonging to any department, undertaking, agency of the State Govt. including MHADA, or any local self-Government such as the MCGM within 60 days after the intimation of such approval to the Project is communicated. In the event of its refusal to grant NOC, reasons thereof shall be stated and in the event of its not being given within the period, it shall be deemed to have been given.



2025:BHC-OS:14013-

17 Eventually, on 19th September 2024, Respondent No. 2 conducted a survey of the DP Road Plot and, three months thereafter, on 7th January 2025, published the supplementary Annexure – II in respect of the PAP's, which included the names of 66 PAPs and not 47 PAP's as recorded in the Order of the Hon'ble Supreme Court.

18 On 26th December 2024, Respondent No. 2 addressed a letter to the Petitioner and the Petitioner's architect informing them that the CC could not be issued due to non-compliance with various requirements, including non-submission of various NOC's, *inter alia* from the civil aviation authority, CRZ clearance, and the detailed floor plans, the site not being jointly inspected along with SRA's staff members etc. The Petitioner's architect, vide a letter dated 11th February 2025, confirmed having complied with all the conditions set in the letter dated 26th December 2024 despite which Respondent No. 2 did not issue a CC to the Petitioner.

19 It was in the aforesaid circumstances that the Petitioner and the Petitioner's architect, vide letters dated 18th February 2025 and 27th February 2025 addressed to Respondent No. 2 sought to invoke the provisions of Regulation 2.8⁴ of 33 (10) of DCPR 2034 for the grant of a deemed NOC since the MCGM (the landowner) had, even after the passage of 60 days from the grant of the IOA, neither granted nor rejected the NOC which had been

4 2.8 As soon as the approval is given to the Project, the NOC for building permission of the landowning authority shall be given in respect of that slum located on lands belonging to any department, undertaking, agency of the State Govt. including MHADA, or any local self-Government such as the MCGM within 60 days after the intimation of such approval to the Project is communicated. In the event of its refusal to grant NOC, reasons thereof shall be stated and in the event of its not being given within the period, it shall be deemed to have been given.



sought for by Respondent No. 2 vide the letter dated 9th December 2024.

20 On 27th February 2025, the Deputy Collector, i.e., the Competent Authority under the Slum Act, issued an eviction order to the non-cooperative slum dwellers under Sections 33 to 39 of the Slum Act. This order was then challenged by the non-cooperative slum dwellers before the AGRC.

21 Compounding matters, Respondent No. 9, on 13th May 2025, filed a complaint before Respondent No. 1, i.e., the Hon'ble Minister of State, Home (Rural), Housing, School, Education, Co-operative, and Mining Department, seeking cancellation of the LOI issued in favour of the Petitioner.

22 Respondent No. 1, swiftly acting upon the complaint filed by Respondent No. 9 on the very next day, i.e., 14th May 2025, issued a notice to Respondents Nos. 2 and 3, calling upon them to convene a meeting with regard to the cancellation of the LOI issued to the Petitioner.

23 The AGRC vide an order dated 23rd May 2025 upheld the order of eviction passed against non-cooperating slum dwellers, after which 3 out of the 9 non-cooperating slum dwellers consented to the Petitioner's scheme. However, despite the eviction order being passed and being upheld by the AGRC, no further steps were taken by Respondent No. 2 to execute the eviction order. It is the case of the Petitioner that this inaction on the part of Respondent No. 2 was on account of "political pressure".

24 It is thus that the Petitioner filed the present petition seeking the following substantive reliefs:

"a. Issue a writ of Mandamus and/or writ of Certiorari or any other appropriate writ, order or direction for quashing and setting aside the



2025:BHC-OS:14013-

hearing notice dated 14.05.2025 issued by the Respondent No.1, in relation to the complaint dated 13.05.2025 by MLA, and further quash and set aside any other consequential directions and/or Order issued pursuant to impugned notice/letter dated 14.05.2025 issued by Respondent No.1 with respect SR Scheme situated at Final Plot No. 187, TPS-V, Vile Parle (East), Mumbai;

b. Issue a Writ of Mandamus or appropriate direction directing Respondent No. 1, 2, 3, 5, 6 and 7 to restrain any third party, including political representatives or rival developers, from interfering in the implementation of the Petitioner's approved SRA Scheme;

c. Issue a Writ of Mandamus or any other appropriate writ, order, thereby confirm that Respondent No. 5 has already granted its NOC to the SR Scheme of the Petitioner by its order dated 11.04.2022 and that NOC with respect to Regulation 2.8 of 33(10) of Development Control and Promotional Rule, 2034 from the Respondent No. 5 and 6 in respect of SR Scheme of Petitioner is deemed as per letter dated 09.12.2024 issued by Respondent No. 2 and as per Regulation 2.8 of 33(10) of Development Control and Promotional Rule, 2034;

d. Issue a Writ of Mandamus or any other appropriate writ, order or direction directing Respondents No. 2, 3, 5 and 6 to issue the final certified Annexure-II with respect to Annexure dated 19.01.2021 and Supplementary Annexure II dated 07.01.2025 in respect of structures on Final Plot No. 187, TPS-V, Vile Parle (East), Mumbai as per direction and order dated 13.05.2024 passed by Hon'ble Supreme Court in its true sense and spirit within stipulated time bound period;

e. Issue a Writ of Mandamus or appropriate direction directing Respondents No. 2 and 3 to issue the Commencement Certificate (CC) and necessary sanction to that effect be granted by Respondent No. 5, 6 and 7 in respect of the rehabilitation component of the Petitioner's SRA Scheme within a stipulated period;

f. Direct the Respondents to take all necessary steps, including but not limited to execution of eviction order, issuance of Commencement Certificate and pass appropriate orders for the smooth implementation of the approved Slum Rehabilitation Scheme in a time bound manner as per law laid down by Hon'ble Supreme Court in Yash Developers Vs. Harihar Krupa Co-operative Housing Society (2024) 9 SCC 606;

g. Direct the Respondent No. 2, 3, 5, 6 and 7 to restrain any third party, including political representatives or rival developers, from interfering in the implementation of the Petitioner's approved SRA Scheme;"

25 Mr. Sakhare, learned senior counsel appearing on behalf of the Petitioner, submitted that the entire redevelopment was being systematically stymied at every stage solely due to the interference of Respondent No. 9, who



2025:BHC-OS:14013-

he submitted was acting in support of Respondent No. 8, i.e., a rival developer. Mr. Sakhare submitted that the interference of Respondent No. 9 was extrajudicial and entirely unjustified since all the issues raised by Respondent No. 9 in his various complaints stood conclusively negated and determined by the Order dated 2nd April 2024 passed by the Learned Single Judge in the previous two Writ Petitions filed by the Petitioner and Respondent No. 4.

26 Mr. Sakhare took us through the complaint dated 13th May 2025 filed by Respondent No. 9 and pointed out that the same essentially raised the following grievances (i) that the Petitioner had illegally obtained the LOI by ousting about 100 slum dwellers, on the basis of which the Petitioner had obtained the requisite consent required for a slum rehabilitation scheme to proceed; and (ii) that the Petitioner had allegedly obtained the consents of the slum dwellers by including 50 to 60 fake names. Mr. Sakhare then also took us through the Order dated 2nd April 2024 and pointed out that both these issues had been conclusively decided by the Learned Single Judge in the said Order, which, *inter alia*, held as follows:

“14. In the present case, it is seen that there are two plots of land. The larger area Final Plot No.187 (pt.) admeasures 4442.95 square meters or thereabout whereas the smaller area admeasures 523.55 square meters. The smaller area is adjoining and adjacent to Final Plot No.187 and is part of the proposed D.P. Road in the Development Plan which directly affects the larger area. Both plots / areas belong to the ownership of the MCGM. It is seen that in 2018 i.e. SR Scheme was originally submitted by Respondent No. 4 Shree Gurukrupa (SRA) CHS in conjunction with Patilwadi and Ismail Chawl Societies from both plots / areas seeking appointment of Sugma Constructions Pvt. Ltd. as Developer. Though this proposal was in consonance with Circular 144, after two years, the said Developer withdrew. Thereafter it seen that there was no consensus which resultantly led to Respondent No.4 Shree Gurukrupa (SRA) CHS passing a Resolution first forming Shree Gurukrupa Housing Society of members having their structures on Final Plot No.187 (pt.) (4442.95 sq. mtrs.) and then passing



2025:BHC-OS:14013-

Resolution to appoint Petitioner as Developer. This Resolution was passed on 29.11.2020 and with consent of 51% members of Respondent No. 4- Shree Gurukrupa CHS. Development Agreement and Power of Attorney was executed by the Society on 30.11.2020. This proposal under Circular No.144 was complete in all aspects and compliances. It received statutory NOCs from the five departments of SRA followed by Report for acceptance of the proposal by SRA. LOI scrutiny fee was paid by the Developer and draft Annexure II was submitted for verification to the MCGM and public notice was issued for survey and finalization of Annexure II.

15. Record clearly indicates that it is at this stage that seven occupants of the smaller area/plot namely the 523.55 square meters i.e. the DP Road area filed a complaint objecting to the above proposal and scheme. It is pertinent to note that this complaint was filed on 07.01.2021 by seven occupants in view of the progress of the scheme and Application No. 169 of 2021 was filed by Respondent Nos. 5 to 9 in October 2021. It is seen that in view of complaint filed by these occupants on 07.01.2021, Respondent Nos. 1 to 3 issued letter dated 03.02.2021 whereby proposal of the Developer and Respondent No.4 -Shree Gurukrupa (SRA) CHS was recorded as illegal and bad in law. This letter is at page No. 123 of the Writ Petition No.511 of 2023. It is crucial and critical to realize as to why this letter was issued by the SRA. This letter was issued because the proposal of the Developer was now confined to Final Plot No.187 (pt.) i.e. the area admeasuring 4442.95 square meters only, leaving out the structure on the smaller area admeasuring 523.55 square meters. It is pertinent to note that Final Plot No. 187 comprises of both these areas. The smaller area was part of the proposed D.P. Road which is to be cleared up of the structures / slum dwellers for benefit of redevelopment. Hence if any development is proposed to be carried out on the larger area (4442.95 square meters) it necessarily has to include development of the smaller area (523.55 square meters) also. This is so because admittedly, prima facie, the smaller area cannot be developed on its own and assuming for the sake of argument that it has to be developed, then such development can never take place for the smaller area. Hence inclusion of the smaller area, rather inclusion of the slum structures standing on the smaller area into the development scheme of the larger area is inevitable in the present case. Keeping this in mind, SRA while recording the Developer's proposal as illegal and bad in law held that he could challenge or he could revoke it or he could submit a fresh proposal. This is the sum and substance of the communication dated 03.02.2021 issued by SRA. It needs to be noted and reiterated that proposal submitted by Developer in respect of the area as noted above had already undergone the steps contemplated by Circular No.144 and was at the stage of finalization of Annexure II when the aforementioned complaint dated 07.01.2021 was made by the seven occupants, resultantly leading to issuance of communication dated 03.02.2021 by SRA. In the above background, whether it can be said that there is fault in issuing the above communication is the question to be determined by this Court to answer the issues raised in the present Petitions. It could have been understood if SRA would have summarily rejected the Complaint dated 07.01.2021 but that is not the case here. However, in the interest of development of the entire Final Plot No. 187 including



2025:BHC-OS:14013-

the area reserved for the D.P. road, the communication dated 03.02.2021 was issued. It is in this context that the Developer after deliberating with SRA submitted a fresh proposal on 18.02.2021. What is pertinent to note is that at this stage despite proceeding ahead, Respondent No. 4- Shree Gurukrupa (SRA) CHS agreed to accommodate the slum dwellers residing on the adjacent D.P. Road area in their plot into their proposed SR scheme as PAPs. In the meeting before the SRA, it was contemplated that 17 out of the 47 slum dwellers had already given their consent to the proposed SR scheme of the Petitioner Developer. However, their eligibility was yet to be decided. In that meeting the Petitioner agreed to accommodate the slum dwellers on the adjacent D.P. Road area as PAP tenements. It is in this context that application was made by the Petitioner on 18.02.2021 submitting a fresh proposal with the express consent of the Respondent No.4 Shree Gurukrupa CHS to accommodate the eligible slum dwellers from the D.P. Road area. The next crucial letter is dated 25.02.2021 which is the Administrative Decision taken by SRA for acceptance of this proposal. That decision is at Exhibit "D", page No.138 of the Writ Petition. The extract of acceptance of the proposal by virtue of the administrative decision taken as appearing therein is reproduced below :-

"13. Compliance of Circular No. 144 B:

As per SRA Circular No. 144B, Architect has submitted the co-ordinates for GIS system in the form of CD as per survey carried out by surveyor appointed by Developers. Architect has submitted the SR Scheme boundary in the GIS format as per Pg. C/149.

As per letter issued by this department under No. SRA/Eng/Desk-1/ow-476 dated 03.02.2021 the subject SR Scheme is recorded on 03.02.2021. Thereafter meeting held along with Developer, Architect, Slum dwellers in the chamber of Hon'ble CEO (SRA) on 08.02.2021, in which it is decided that structures which are situated on widening of existing Dayaldas Road, are contravening structures and should be taken in the scheme as PAP. To that effect Developer has accepted the request of Slum dwellers to consider them in the scheme as PAP tenements, further developer has also submitted undertaking to that effect mentioning therein that, out of 47 PAP he has obtained 17 no. of tenements Agreement (Attach at pg. G-195 to C-465) and he is ready to pay there rents or he will provide transit accommodation. PAP tenants Annexure - II will be certified by Assistant Municipal Commissioner K/E ward."

16 It is seen that the aforesaid proposal being in compliance with Circular 144-B was accepted by SRA and thereafter further steps were taken. It is in view of this acceptance, order dated 23.08.2021 came to be passed by SRA declaring the total area now admeasuring 4973.40 square meters as the slum rehabilitation area in respect of land bearing Final Plot No.187 (both plots included). It is pertinent to note that Respondent No.9 herein i.e. Abhyank SRA CHS (Prop.) as a Society of slum dwellers on the adjacent D.P. Road area strongly opposed this



2025:BHC-OS:14013-

action on the ground that formally they were members of the erstwhile Gurukrupa SRA CHS (Prop.) at the time of submission of the original proposal by Sugma Constructions Pvt. Ltd. It was Respondent No.9 Abhyank SRA CHS (Prop.)'s case that they had independently appointed M/s. Pagrani Universal Infrastructure Pvt. Ltd. as its Developer and therefore sought rejection of Petitioner's proposal. At this stage, it is pertinent to note that proposal submitted by Sugma Construction originally was withdrawn after 2 years by the said Developer owing to unavoidable circumstances. It is further submitted that immediately thereafter the Respondent No.4 Gurukrupa SRA CHS realigned itself and formed a new Society called Shree Gurukrupa SRA CHS (Prop.) of slum dwellers on Final Plot No.187 (pt.) admeasuring 4442.95 square meters and appointed Petitioner as Developer. It is clearly seen that in order to implement the proposal i.e. SR Scheme of Respondent No.4 - Shree Gurukrupa (SRA) CHS, a condition precedent was put by SRA to include all structures of slum dwellers on the smaller area i.e. the D.P. Road area so that the D.P. Road can be opened up and made available. It is in this context, that the Administrative Decision dated 25.02.2021 came to be implemented by a declaration that the area admeasuring 4973.40 square meters would be the slum rehabilitation area. There is no substance in the Respondent No. 9's objection since admittedly the smaller area cannot be developed on its own and its inclusion in development now precludes it from raising any objections. In this context, it is pertinent to note that in the meanwhile Draft Annexure II was published on 19.01.2021. Final Annexure II was published on 15.05.2021 which included the eligible slum dwellers from the D.P. Road area and Final Annexure II was published by the MCGM on 01.09.2021 which included names of all eligible slum dwellers of Respondent No.9 - Abhyank SRA CHS (Prop) Society. It is only after this, that in October 2021, Application No. 169/2021 was filed by Respondent Nos. to 5 to 9 in the nature of a statutory Appeal under Section 35(1)-A before the AGRC to challenge the decision of acceptance of the SR scheme of the Petitioner and Respondent No.4 - Shree Gurukrupa (SRA) CHS. In effect, this was a challenge by Respondent Nos.5 to 9 to a SR Scheme which is for their own resurrection, benefit and development. Grounds of this challenge are crucial and it needs to be seen whether those grounds can even be countenanced in the facts of the present case which are alluded to herein above. It is seen that the Petitioner Developer in the meanwhile proceeded with the SR Scheme of Respondent No.4 - Shree Gurukrupa CHS by payment of land premium of Rs. 36,93,375/-. Fresh LOI was issued on 04.05.2022 with a specific pre-condition that rehabilitation of all slum dwellers from the proposed adjacent D.P. Road area was to be included in the SR Scheme if it was to be developed and not otherwise. IOA was issued on 10.05.2022 for the rehab building comprises of 189 tenements and 6 amenity units. SR Scheme progressed in the meanwhile. In May 2022, 72 eligible members of Respondent No. 4 - Shree Gurukrupa CHS accepted transit rent and vacated their structures. Thereafter 52 structures are demolished by the Petitioner Developer for progression of the SR scheme and as on date of final arguments of the Writ Petitions, 83 members of Respondent No. 4 Shree Gurukrupa (SRA) CHS have received transit rent. It is pertinent to note that it is only after the above



events, an application for condonation of delay in filing Application No. 169 of 2021 by the contesting Respondents is allowed and delay is condoned.

17. From the aforesaid events it is clear that balance of convenience needs to be adjudicated, but before that the figures of eligible slum dwellers involved in the present case also need to be looked into. According to the Petitioner - Developer, it is seen that the number of eligible slum dwellers on Respondent No. 4 Shree Gurukrupa (SRA) CHS on the plot ad-measuring 4442.95 square meters is 101 and the total number of slum dwellers on the proposed D.P. Road area i.e. the smaller plot is 47. According to the Petitioner -Developer, in any event it has procured the consent of more than 51% members in the SR scheme even if it decides to include the slum dwellers from the adjacent proposed D.P. road area. In this context, Affidavit-in-reply dated 26.08.2022 filed by SRA is crucial. The Affidavit supports the Petitioner's case and clarifies one thing namely that the case of the Developer has been dealt with by SRA in strict compliance of all formalities contemplated by Circular No.144 and under the said Act.

18. ...

18.1. ...

18.2. ...

18.3. ...

18.4. Next, it is seen that the order dated 11.04.2022 issued by the MCGM permitting implementation of SR Scheme on Final Plot No.187 (pt.) for the entire area admeasuring 4973.4 square meters clearly records that the SR Scheme can never be independently developed on its own for the adjacent D.P. Road area and therefore it would be impossible to rehabilitate the eligible slum dwellers from that area in future and the objective of the said Act would stand completely defeated. Hence the adjacent DP Road area has to be developed alongwith the area of the Final Plot No.187 (pt.) admeasuring 4442.95 square meters. The said order is at Exhibit "AB" page No.255 of the Writ Petition. The decision of the Corporation after due deliberation clearly records that the primary concern should be to improve all structures on Final Plot No.187 including those from the DP Road area. Infact, the permission granted by the MCGM lays down the mandatory condition that has to be complied by the Developer first for further permissions to be granted for the SR Scheme. It is further pertinent to note that in the said order a very important reason has been ascribed by the MCGM, it is stated that if the entire area is redeveloped and if all slum dwellers are rehabilitated then the DP Road will be free of hutment dwellers who shall stand rehabilitated and the said road which proceeds towards T-2 Terminal of the Chhatrapati Shivaji Maharaj International Airport will become free of hutments and shall completely eradicate the traffic congestion. This particular reason. is one of the most important circumstance for consideration so that once the DP Road is freed of hutments and structures, it can be made open for vehicular traffic, free of congestion. It is in this context, that the said order has been passed permitting implementation of the SR, Scheme of the area admeasuring 4973.40 square meters after rehabilitating all occupants / slum-dwellers. In this very context, it would be appropriate to look at the Report of the Executive Engineer, SRA so as to ensure



whether this pre-condition has been met with and how. It is seen that whatever has been discussed herein above finds its place as a condition precedent and there is no suppression of facts whatsoever, The issue of rehabilitation of tolerated and protected structures falling on the D.P. Road area adjacent to Final Plot No.187(pt.) has been extensively dealt with the specific pre-condition that the contravening structures on the D.P. Road area shall have to be accommodated as PAP tenements in the SR Scheme, subject to their eligibility. In this context, whether can it be said that there is any suppression of the area by the Developer or Respondent No.4. The answer is a clear "No". Infact, the SR Scheme of Respondent No.4 -Shree Gurukrupa (SRA) CHS can only be implemented if the aforementioned pre-condition is met with by the Developer. The Report records the issue of consent of more than 51% of eligible slum dwellers as per Draft Annexure certified by the MCGM. Hence, in this view of the matter, the finding returned by the AGRC in paragraph Nos.13 and 14 of the impugned order dated 28.07.2022 is clearly unsustainable and needs to be interfered with.

18.5. The inclusion of structures on the D.P. Road area as PAPs in the SR Scheme is admittedly in public interest since independently the DP Road area having slum structures cannot be developed on its own. Infact, that development is impossible in law and this is the real answer to the various questions and objections raised by the answering Respondents in the present Petitions. It needs to be reiterated that inclusion of slum structures on the DP Road area in the SR Scheme on Final Plot No.187(pt.) is not as the behest of the Petitioner or Respondent No.4 - Shree Gurukrupa CHS but at the behest of the SRA in view of the above reasons. Therefore, objections raised by contesting Respondents that order declaring the plot admeasuring 4442.95 as slum rehabilitation area or order permitting implementation of the SR Scheme on the above area after considering all occupants / eligible slum dwellers cannot amount to review of the acceptance of the proposal for redevelopment and rehabilitation of the SR Scheme on Final Plot No.187 (pt.) admeasuring 4442.95 square meters as stated in the proposal filed by the Developer. There cannot be any illegality committed by Respondent No.4 - Shree Gurukrupa (SRA) CHS nor the Petitioner - Developer in the present case. This is a clear case where a rival Developer desires to displace the Petitioner- Developer by adducing a completely frivolous and illegal case of not adhering to the prescribed steps in Circular No.144 for achieving its ulterior motive of taking over the SR Scheme much after the same has already been implemented. In this context, it would be appropriate refer to paragraph No.5 of the Affidavit-in-reply dated 26.08.2022 filed by the SRA. The said paragraph No.5 needs to be reproduced here and is reads thus:-

5. I say that, when it was found that, structures which are situated on widening of existing Dayaldas road, are contravening structures and the same were not included in subject SR Scheme, the answering Respondents vide letter dated 03/02/2021 recorded the subject SR Scheme and communicated the said fact to the Petitioner. I say that pursuant to which, on 08/02/2021 a meeting was convened in chamber of learned CEO of the answering



Respondent along with representative of the society.

18.6. On reading the above, it is clear that the proposal filed by the Petitioner Developer is the fresh proposal and it cannot be deemed to be a 'review' of the earlier proposal as alleged by the contesting Respondents. Findings returned in paragraph No.13 of the impugned order that the fresh proposal is a review of the old proposal filed by the Developer is therefore clearly incorrect. Submissions made by Respondent Nos.5 to 9 that if the structures on the DP Road are included in the SR Scheme, the proportion of contesting members will be altered is infact fallacious on the face of record.

18.7. It is argued by the contesting Respondents that Respondent No.4- Shree Gurukrupa SRA CHS approached SRA for approval of its SR Scheme for a reduced area in view of not having consent of the majority. This is not the correct argument. I have also dealt with the number of slum dwellers on both the plots in this judgment on the basis of Respondent's pleadings. Hence, the pre-condition laid down by SRA for inclusion of all eligible slum structures from the D.P. Road area in the SR Scheme implemented by the Developer on Final Plot No.187(pt) admeasuring 4442.95 square meters was to accommodate them as PAPs and therefore in that context their consents would even F otherwise not be required. This is so because on its own, the D.P. Road area cannot be developed. Simultaneously it cannot be allowed to remain as it is also. Hence a practical solution was necessitated. However, even assuming for the sake of argument that eligible slum dwellers from the D.P. Road area have to be included and considered for obtaining their consent, still Respondent No.4 Shree Gurukrupa (SRA) CHS has clear consents of more than 51% of all eligible slum dwellers taken together. Hence, repeated submissions and arguments of the contesting Respondents that consents would dip below 51% is stated to be rejected.

18.8. There is one more submission made by the contesting Respondents that the Developer has circumvented the provisions of law and derived undue benefits to itself. It is submitted by Mr. Chinoy that even as on date, the DP. Road area admeasuring 523.55 square meters is still excluded from the SR Scheme and the Developer has played fraud on the Statute and subverted the SR scheme. The aforementioned observations and findings referring to the orders dated 03.02.2011, 25.02.2011, 23.08.2021, 11.04.2022 and all steps taken in consonance with these orders are clearly in the public domain and it can never be construed that fraud has been played by the Petitioner - Developer by commission or omission of any particular act. Merely stating that a fraud is played cannot be a ground to believe that fraud has been played. In the present case, it is clear that a pre-condition has been put forth by the SRA to the Petitioner - Developer with open eyes and when this condition was pur, the consent of Respondent No.4-Society was also taken.

18.9. In this view of the matter, a pre-condition has been openly mandated for implementation of the SR scheme and by the said pre-condition, if the SR Scheme has to progress then all eligible slum dwellers from the adjacent D.P. Road area would have to be included. In this scenario, there can be no element of fraud played by the



Petitioner - Developer to subvert the SR Scheme.

19. In my considered view, submissions advanced by the contesting Respondents cannot be accepted as having merit. In the present case, the SRA Authorities have acted in accordance with law and approved the SR Scheme which will benefit all slum dwellers. In the course of arguments, it has been informed to me that the number of eligible slum dwellers of Respondent No.4 - Shree Gurukrupa (SRA) CHS situated on Final Plot No.187 (pt.) ad-measuring 4442.95 square meters and as seen through the NOC issued by the Assistant Registrar, SRA is 101 slum dwellers. This is appended at Exhibit "D" page No.79 of the Writ Petition. The number of slum dwellers on the adjacent DP Road on the area ad-measuring 523.55 square meters is 47 slum dwellers and these details are appended at Exhibit "T" page No.138 of the Writ Petition. It is seen that originally, the erstwhile Developer -Sugma Constructions had given a composite proposal for 164 slum dwellers on both plots situated on the Final Plot No.187. This is as per contesting Respondent's own Affidavit and document appended thereto as Exhibit "A" which is at page No.435 of the Petition. If the above figures are taken into account, then assuming for the sake of arguments that originally there were 164 slum dwellers as contemplated, only 16 members of Respondent No.9 remained to be accounted for. If the aforesaid figures are therefore seen in totality, even for the purpose of consent for redevelopment, the figure of 101 slum dwellers of Respondent No.4 Shree Gurukrupa (SRA) CHS would account for 63% slum dwellers to have given their consent. Hence, assuming that even if the remaining slum dwellers from the adjacent D.P. Road do not give their consent, even then the total number of slum dwellers having given their consent will be 54%. Hence even on this account, the case of the contesting Respondents fails miserably.

20. ...

21. ...

22. ...

23. In the present case, it is seen that some dissenting members of the Respondent No.9 - Abhyank (SRA) CHS (proposed) rather only two members are the perpetrators of the complaint. I have dealt with their status herein above. It is clearly obvious that these dissenting members alongwith other members from the DP Road area have been fighting a proxy battle with the Petitioner - Developer and Respondent No.4 Shree Gurukrupa (SRA) CHS in the present case which has caused undue delay and prejudice.

24. I am therefore of the clear opinion that the attempt by Respondent Nos.5 to 9 is merely to scuttle redevelopment of the project and SR Scheme for their own ulterior motives and benefit. These contesting Respondents have no locus whatsoever to even object the development. Their actions are clearly motivated and not in the interest of the slum dwellers. As seen above, equity is clearly in favour of the Petitioner - Developer and Respondent No.4 - Shree Gurukrupa (SRA) CHS though it is argued vehemently by the learned Advocate General as also Mr. Khambata, both representing the AGRC separately that consent of slum dwellers cannot be gathered later on. However this argument cannot be applied to the facts of the present case. The objective of the said Act is the sine qua non of all redevelopment and the rehabilitation



project works.

25. Though it is argued that financial capacity of the Petitioner Developer needs to be reconsidered afresh if additional area is added, in the facts of the present case, considering that the pre-condition has been put by the SRA to the SR Scheme of Petitioner Developer and Respondent No.4 - Shree Gurukrupa (SRA) CHS, the aforementioned submission of the contesting Respondents cannot be countenanced. The present case cannot be construed as a case of new areas being added for the purpose of survey of hutments and consents, rather the addition of slum dwellers rather eligible slum dwellers from the D.P. Road area as PAPs is directed to be included in the SR Scheme of Respondent No.4 - Shree Gurukrupa (SRA) CHS as a precondition for the reasons discussed herein above. That apart, majority consent as seen is even in otherwise favour of the Petitioner – Developer.

26. In view of the above, the impugned order dated 28.07.2022 passed by the AGRC certainly needs to be interfered with and it is quashed and set aside. Both the Writ Petitions stand allowed in terms of prayer clause 'a'."

Basis the above, Mr. Sakhare submitted that Respondent No. 9 was only seeking to regurgitate issues which clearly stood resolved and decided. He submitted that the interference by Respondent No. 9 had resulted in the authorities being prevented from discharging their statutory duties.

27 Mr. Sakhare then submitted that the Petitioner having complied with all its obligations and having obtained all the necessary permissions, there was absolutely no reason for Respondent No. 2 not to have issued a CC to the Petitioner. He pointed out that Regulation 2.8 of 33(10) of DCPR 2034 specifically mandated that once the slum rehabilitation project was approved by the SRA, it was incumbent upon the landowning authority, i.e., the MCGM in this case, to give building permission, i.e., an NOC, within 60 days from the intimation of such approval having been granted. Mr. Sakhare submitted that pursuant to the letter dated 9th December 2024 addressed by Respondent No.



2 to the MCGM, it was incumbent upon the MCGM to have granted the Petitioner an NOC, which Respondent No. 2 had not done. He, however, pointed out that as per Regulation 2.8 of 33 (10) of the DCPR, the said NOC was deemed to have been granted since 60 days had lapsed from the date of issuance of the IOA. He thus submitted that there was absolutely no reason for the said scheme to be stalled and/or not proceeded with by Respondent No. 2.

28 Given the grave and serious nature of the allegations made against Respondent No. 1 and the suggestion that Respondent No. 1 was acting at the instance of Respondent No. 9, we requested the Learned Advocate General to appear in the matter. The Learned Advocate General appeared on 10th July 2025 and clarified as follows:

“3. Dr. Birendra Saraf, Learned Advocate General on instructions has stated that Respondent No.1 - Hon'ble Minister of State - Housing merely held a meeting and has not issued any binding directions nor any decision was taken. He also states that it is for the SRA to take an appropriate decision independently and in accordance with law”

Since, in our view, the aforesaid statement ought to have been sufficient to effectively redress the major grievance of the Petitioner, we adjourned the matter to 21st July 2025 by passing the following directions:

“4. In the meantime, the learned counsel for the Municipal Corporation shall take instructions in regard to the further steps being taken to finalize the Annexure II.”

29 Mr Sakhare, however, pointed out that despite the statement made by the Learned Advocate General, Respondent No. 2 continued to obstruct the progress of the said scheme. He pointed out that even after the statement made



2025:BHC-OS:14013-

by the Learned Advocate General Order as recorded in the Order dated 10th July, 2025, Respondent No. 2 had, on 31st July 2025, addressed a letter to the Petitioner inter alia calling upon the Petitioner to submit a fresh acceptance proposal for the DP Road Plot, even though the DP Road Plot was already included in the Petitioner's scheme.

30 Basis the above, Mr. Sakhare submitted that there was absolutely no reason for Respondent No. 2 not to grant the Petitioner a CC and allow the said slum rehabilitation project to commence. He reiterated that the only reason was on account of the extrajudicial interference by Respondent Nos. 8 and 9. He thus submitted that the Petitioner was entitled to the reliefs as prayed for.

31 Mr. Mayur Khandeparkar, learned counsel appearing on behalf of the Petitioner in Writ Petition (L) No. 18500 of 2025, also made extensive submissions on similar lines as those of Mr. Sakhare. However, for the sake of brevity, the same are not being separately recorded herein.

32 *Per contra*, Dr. Sathe, learned senior counsel appearing on behalf of Respondent No. 2, at the outset denied that Respondent No. 2 was acting under any pressure, political or otherwise. He submitted that Respondent No. 2 had issued the letter dated 31st July 2025 to the Petitioner only because the Petitioner had on 25th July 2025 submitted its application for revision of the LOI on the basis of amalgamation of the Original Plot with the DP Road Plot. He submitted that as per Circular 144, it was incumbent upon Respondent No. 2 to first ensure that the proposal for amalgamation of the DP Road had been accepted, and it was only thus that the said letter had been issued. Dr. Sathe



submitted that Respondent No. 2 would issue the LOI subject to the Petitioner making the requisite compliances in accordance with Circular 144.

33 Ms. Salunke, learned counsel appearing on behalf of Respondent Nos. 5 and 6, submitted that on 22nd April 2025, the office of the Assistant Commissioner (Estate Department of MCGM) had granted the NOC, and accordingly, the MCGM had initiated the process of preparing the final Annexure II, which she submitted would be completed in 16 weeks.

34 Mr. Dhakephalkar, learned senior counsel appearing on behalf of the intervenors in the captioned two Interim Applications, submitted that the intervenors were slum dwellers seeking impleadment in the respective Writ Petitions as necessary and proper parties since they had wrongfully been excluded from the rehabilitation scheme. He submitted that the Applicants, who were 75 in number, had not been included in the Petitioner's slum rehabilitation scheme, despite being eligible slum dwellers, and had instead incorrectly been classified as PAPs.

35 Mr. Dhakephalkar submitted that the Petitioner had given an undertaking before the Hon'ble Supreme Court to accommodate 164 slum dwellers and 47 occupants of the DP Road Plot area, which included the Applicants. However, in complete violation of the undertaking given to the Hon'ble Supreme Court, the Petitioner had failed to include the Applicants in the said slum rehabilitation scheme. He thus submitted that it was that the Interim Applications ought to be allowed and the issuance of the CC and other permissions be stayed until such time as the Applicants were included in the



said slum rehabilitation scheme.

36 After having heard Learned Counsel and having considered the rival contentions, we have no hesitation in holding that the present Writ Petition deserves to be allowed for the following reasons:

(A) At the outset, it is more than well settled in a catena of judgments that the Slums Act is a welfare legislation enacted to improve the living conditions of persons compelled to reside in slums, in poverty, filth and squalor. The primary object of the Slums Act is to ensure that slum dwellers are protected from eviction without rehabilitation and are provided with decent, secure, and hygienic housing/living conditions. It is also equally well settled that slum rehabilitation schemes are not ordinary real estate projects, but they infact involve a public purpose, the primary beneficiaries of which are the slum dwellers and not developers. In this context, it is useful to note the observations made by a Division Bench of this Court in the case of *Jijaba Dashrath Shinde v. State of Maharashtra*⁵ which we find are entirely apposite to the case at hand:

“It is an upsetting day for the High Court when we find it necessary to remind statutory authorities, including the Slum Rehabilitation Authority ("SRA") and the Apex Grievance Redressal Committee ("AGRC"), If the Slum Act is a welfare legislation, the welfare is not that of builders.”

(emphasis supplied).

It pains us to note that despite the above observations, the position is no different today, as is borne out by the conduct of Respondent No. 2 in the facts of the present case. We must most regrettably note that in case after case the Respondent Authorities, and in particular Respondent No. 2, seemingly forget

⁵ 2024 SCC OnLine Bom 639



and/or overlook the very object for which the Slums Act was enacted and continue to act in the interest of developers, and hence slum rehabilitation projects are often delayed solely due to competing interests of rival developers.

(B) In the present case, there is and can be no dispute that the Petitioner's initial proposal regarding the redevelopment of the Original Plot had been accepted by the Respondent Authorities and that the Petitioner had been granted a valid and subsisting LOI and IOA in respect thereof. The grant of the said LOI and IOA in favour of the Petitioner has been expressly upheld by the Order of this Court dated 2nd April 2024 and also confirmed by the Order of the Hon'ble Supreme Court dated 13th May 2024.

(C) There is and also can be no dispute that the DP Road Plot has been included in the said scheme pursuant to the precondition imposed by Respondent No. 2 itself while accepting the Petitioner's proposal vide administrative order dated 25th February 2021, as is evident from the revised IOA issued by Respondent No. 2 to the Petitioner. This order of Respondent No. 2 was not only affirmed by the MCGM on 11th April 2022 but was also upheld by this Court in its Order dated 2nd April 2024 which specifically recorded that the inclusion of the the area of the DP Road Plot was a precondition for the acceptance of the Petitioner's scheme. *Crucially*, this Court has, in the Order dated 2nd April 2024 specifically held that the Petitioner has complied with the requirements of Circular No. 144 issued by Respondent No. 2.

(D) Insofar as the issuance of the Annexure II's are concerned, it is an



2025:BHC-OS:14013-

admitted position that the Annexure II in respect of the Original Plot was published on 19th January 2021, and a Supplementary Annexure II in respect of the occupants of the DP Road Plot was published on 7th January 2025. Respondent Nos. 5 and 6 have further admitted that an NOC has been obtained from the Estate Department of the MCGM on 22nd April 2025. Thus, all that remains is for the MCGM to now undertake the ministerial act of finalisation of the respective Annexure II's which Learned Counsel for the the MCGM assures the Court will be done in sixteen weeks.

(E) In the aforesaid context, the issuance of the letter dated 31st July 2025 by Respondent No. 2 is indeed (mildly stated) surprising and lends credence to the Petitioners' contention that Respondent No. 2 is not acting in faithful discharge of its statutory duties but in a manner so as to stymie the said slum scheme. We say so because Respondent No. 2 has issued the letter dated 31st July 2025, requiring the Petitioner to submit a fresh proposal for the DP Road Plot and comply with provisions of Circular No. 144, despite the fact that (i) the DP Road Plot was already included in the Petitioner's scheme as a precondition which was imposed by Respondent No. 2 itself, and (ii) this Court, in the Order dated 2nd April 2024, has expressly held that the Petitioner has already complied with the provisions of Circular No. 144. It is thus we find that the issuance of the letter dated 31st July 2025 is therefore wholly unjustified, to say the least.

(F) The Petitioner's entire case is that Respondent No. 2 has been acting at the instance of Respondent Nos. 8 and 9. The Petitioner has placed on



2025:BHC-OS:14013-

record several letters addressed by Respondent Nos. 8 and 9 to the authorities which, in our view, squarely set out such interference. *Crucially*, Respondent Nos. 8 and 9 have not denied the Petitioner's contentions. Even otherwise, the interference by Respondent Nos. 8 and 9 is writ large and borne out from the material placed on record. Respondent No. 2, being a statutory authority, is required to discharge such duty so as to ensure that the said slum rehabilitation scheme was expeditiously proceeded with and the object of the Slums Act was best achieved. However, as already noted above, Respondent No. 2 has regrettably not done so. It would indeed reflect a most sorry state of affairs when any statutory authority abdicates its statutory duties on account of any extraneous or extrajudicial intervention and conducts itself in a manner which is contrary to the very Statute under which such Statutory Authority is required to discharge its duties, which is clearly what Respondent No. 2 appears to have done in the present case.

(G) Insofar as the Interim Application (L) No. 24090 of 2025 in Writ Petition (L) No. 18923 of 2025 and Interim Application (L) No. 24087 of 2025 are concerned, we are *prima facie* of the view that the Applicants are attempting to raise issues that have already adjudicated upon by this Court *vide* its Order dated 2nd April 2024 and upheld by the Hon'ble Supreme Court *vide* Order dated 13th May 2024. Even assuming otherwise, we find that the Applicants cannot, in these proceedings, be granted the substantive relief that they seek. Thus, the remedy of the Applicants, if any, would lie elsewhere.

37 Hence, we dispose of Writ Petition (St.) No. 18923 of 2025 as follows:



2025:BHC-OS:14013-

- a. Accepting the statement made by the Learned Advocate General and as recorded in order dated 10th July 2025, we find that prayer clause (a) and (b) of the Petition have become infructuous;
- b. In light of the statements by Respondent Nos. 5 and 6 that NOC of the estate department has been obtained on 22nd April 2025, prayer clause (c) has also become infructuous;
- c. For the reasons recorded in paragraph 36 (A), (B), (C) and (D) above, the Writ Petition is allowed in terms of prayer clause (d). We direct Respondent Nos. 5 and 6 to complete the finalisation of the Annexure II's within a period of 6 weeks from the date on which a copy of this Order is placed before them.
- d. For the reasons recorded in paragraph 36 (A), (B), (C) and (E) above, the Writ Petition is allowed in terms of prayer clause (e). Respondent Nos. 2 and 3 are hereby directed to issue the Commencement Certificate to the Petitioner in respect of the rehabilitation component of the Petitioner's scheme.
- e. For the reasons recorded in paragraphs 36 (A), (B), (C), (D), (E) and (F) above, the Writ Petition is allowed in terms of prayer clause (f). The Respondents are directed



to take all necessary steps, including executing eviction orders, for the smooth implementation of the Petitioner's slum rehabilitation scheme.

f. For the reasons recorded in paragraph 36 (F) hereinabove, the Writ Petition is allowed in terms of prayer clause (g). Respondent Nos. 2, 3, 5, 6 and 7 are hereby restrained from entertaining any complaints and/or interference from Respondent Nos. 8 and 9 insofar as they pertain to the present slum scheme.

38 Given that we have disposed of Writ Petition (L) No.18923 of 2025 in the aforesaid terms, nothing would in our view survive for adjudication in Writ Petition (L) No. 18500 of 2025. Hence, Writ Petition (L) No. 18500 of 2025 is accordingly disposed of.

39 For the reasons recorded in paragraph 36 (G) and in light of the directions passed in paragraphs 37 and 38 hereinabove, we reject the Interim Applications, i.e., Interim Application (L) No. 24090 of 2025 in Writ Petition (L) No. 18923 of 2025 and Interim Application (L) No. 24087 of 2025 in Writ Petition (L) No. 18500 of 2025; however, we keep open all rights and contentions of the Applicants in any proceedings that they may adopt in regard to the grievances set out in the said Interim Applications.

[ARIF S. DOCTOR, J.]

[G.S. KULKARNI, J.]