

**BEFORE THE CHIEF EXECUTIVE OFFICER,
SLUM REHABILITATION AUTHORITY**

Conwood Agencies Pvt. Ltd.
Manix House, Yashodham,
General A.K. Vaidya Marg,
Goregaon (West), Mumbai - 400063

... Applicant

V/s

1. Mr. Shankar Suresh Kharva (Patel)
Suresh Patel Chawl, Opp. Shreepal Nagar Building,
Near Shree Ganesh Mandir, Satya Nagar,
Borivali (West), Mumbai 400 092
2. Mr. Parshuram Bhaskar Mali,
Ajayon Niwas, Shimpoli Village,
Shimpoli Road, Borivali (West),
Mumbai - 400 093

... Respondents/
objectioners

**Sub.: Proceedings u/s 3C(1) of Maharashtra Slum Areas (I, C & R) Act,
1971.**

ORDER

(Passed on -)

These proceedings are initiated pursuant to application of Applicant i.e. M/s. Conwood Agencies Pvt. Ltd. dated 25.05.2023 for declaration of land bearing CTS No.128A/66A/1, 128A/66A/2, 128A/66/6 to 12. 128A/66A/3A, 128A/71, 128A/71/1, 128A/72, 128A/73 of Mauje Kandivali, Taluka Borivali, admeasuring 8984.8 sq. mtres. as "Slum Rehabilitation Area" u/s 3C(1) of the Maharashtra Slum Areas (I, C & R) Act, 1971. In brief the facts which lead to the present proceedings are as under:

FACTS IN BRIEF

The Applicant submitted the present application u/s 3C(1) of the Maharashtra Slum Areas (I, C & R) Act, 1971 in respect CTS

No.128A/66A/1, 128A/66A/2, 128A/66/6 to 12, 128A/66A/3A, 128A/71, 128A/71/1, 128A/72, 128A/73 of Mauje Kandivali, Taluka Borivali, admeasuring 8984.8 sq. mtrs. Alongwith application the Applicant submitted copies of PR Card, slum plan, etc. Pursuant to said application, the Executive Engineer (R/C Ward)/SRA through letter dated 11.07.2023 has sought remarks of the District Superintendent of Land Records/SRA. Accordingly the District Superintendent of Land Records has submitted report to the Executive Engineer alongwith GIS plan on 14.08.2023. As per his report land CTS No.128/A/66/6, 128/A/66/7, 128/A/66/8, 128/A/66/9, 128/A/66/10, 128/A/66/11, 128/A/66/12, 128/A/66A/1(p), 128/A/66A/2(p), 128/A/66A/3A(p), 128/A/71(p), 128/A/71/1 & 128/A/73 of Mauje Kandivali, Taluka Borivali, admeasuring 12130.70 sq. mtrs. is liable for declaration as "Slum Rehabilitation Area". Hereinafter the above said land is referred to and called as "said land".

The District Superintendent of Land Records/SRA and Executive Engineer/SRA have jointly visited site on 06.10.2023. At the time of visit, they noticed that there were slum structures and same were kaccha & pakka. The structures are of Ground & Ground + 1st floor. These structures are in use for residential purpose. The slum structures are situated closely and in congested manner. The internal roads are narrow. There is lack of proper sunlight and ventilation. There are some dilapidated structures on site. Lastly Executive Engineer/SRA and District Superintendent of Land Records/SRA concluded that it will be just and proper to declare the said land as Slum Rehabilitation Area.

Pursuant to the site visit of District Superintendent of Land Records and Executive Engineer, a Public Notice dated 13.12.2023 was issued. The Public Notice was given in English and Marathi daily newspapers in "The Free Press Journal" and "Sakal" on 14.12.2023 inviting the objections, if any. The Panchanama confirms that the Public Notice is affixed at conspicuous place on the said land on 14.12.2023. In response to Public Notice the objection is received from



Pursuant to objections the parties were heard on 04.04.2024. On said day Advocate Pradeep Tiwari appeared on behalf of Applicant. Mr. Parshuram Mail remain present for Respondent No.2. Parties were heard at length and matter was closed for order.

ARGUMENT OF APPLICANT

According to Applicant they have submitted an application for declaration of said land Slum Rehabilitation Area u/s 3C of the Slum Act. Further the Applicant stated that the slum dwellers are residing in slum structures on said land without requisite amenities. There is slum like situation. According to Applicant, they denied that Respondent No.1 is Adivasi. The father of Respondent No.1 Mr. Suresh Kharva has filed Suit No.3568 of 2002 before the City Civil Court for declaration of settled possession in respect of land CTS No.128/A, part 6A, 66A & B, adm.3 acres and 33 Gunthas. The said Suit is dismissed on 02.03.2013 due to non prosecution. Further the Applicant has filed Suit No.1800 of 2009 before the City Civil Court, Dindoshi in respect of portion of said land in which ad-interim relief is granted by Court in terms of prayer clause a(i) to a(iv). The Respondent No.1 & his family members entered into Consent Terms in August 2013 with Applicant in respect of alleged claim over the 7 rooms and said claim was not in respect of said land. The Respondent No.1 is not owner of said land. Further similar complaint was made before the National Commission for Scheduled Tribes and report was called from MCGM and MCGM has rejected the claim of complainant.

According to Applicant, the Consent Terms also executed in by and between Respondent No.2 in August 2009 in pending Suit No.1800 of 2009 before City Civil Court, Dindoshi and Respondent No.2 is also not owner of the said land. Already portion of said land is declared as Slum in the year 1998. On these grounds the Applicant has prayed for declaration of said land as Slum Rehabilitation Area.

ARGUMENT OF RESPONDENT NO.1

According to Respondent No.1 the land bearing CTS No.128A/66(pt), 66/1 to 12, 128A/70(pt), 71(pt), 72(pt), 7A (pt), 7B (pt), 7C (pt) corresponding to Survey No.163(pt) was declared as Slum

through Government Notification dated 18.01.1998 and same was published in Government Gazette dated 04.03.1999. It is further version of Respondent No.1 that the Applicant is claiming to be owner which includes Adivasi property. It is the case of Respondent No.1 that the Adivasi families have filed various cases in City Civil Court, Hon'ble High Court, National Commission for Scheduled Tribes (New Delhi) against Applicant and the same are pending. On these grounds the Respondent No.1 has prayed to reject the application of Applicant.

ARGUMENT OF RESPONDENT NO.2

According to Respondent No.2 his father Late Shri Bhaskar Mali was cultivating of land Survey No.163/1 since the year 1958 and the property tax of two structures on said land is also paid by them. The name of Bhaskar Mali is recorded as Infa Malik in revenue record. On these grounds the Respondent No.2 prayed to reject the application.

ISSUES

From rival contentions the issue that arise for determination of this Authority is as to whether requisite conditions for declaration of said land as Slum Rehabilitation Area u/s 3C(1) of the Maharashtra Slum Areas (I, C & R) Act, 1971 exist at site and Whether the said land is liable to be declared as Slum Rehabilitation Area u/s 3C of the Maharashtra Slum Areas (I, C, & R), Act, 1971?

DISCUSSION

Through present application the Applicant is seeking to declare CTS No.128A/66A/1, 128A/66A/2, 128A/66/6 to 12, 128A/66A/3A, 128A/71, 128A/71/1, 128A/72, 128A/73 of Mauje Kandivali, Taluka Borivali, admeasuring 8984.8 sq. mtrs. as Slum Rehabilitation Area. It is contended by the Applicant that the slum dwellers are residing in slum structures on said land without requisite amenities. There is slum like situation.

The record reveals that District Superintendent of Land Records has submitted a report dated 14.08.2023 mentioning that land CTS No.128/A/66/6, 128/A/66/7, 128/A/66/8, 128/A/66/9, 128/A/66/10, 128/A/66/11, 128/A/66/12, 128/A/66A/1(pt), 128/A/66A/10-3, 128/A/66A/10-4, 128/A/66A/10-5, 128/A/66A/10-6



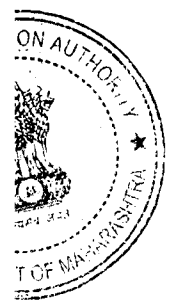
128/A/73 of Mauje Kandivali, Taluka Borivali, admeasuring 12130.70 sq. mtrs. is liable to be declared as Slum Rehabilitation Area.

The District Superintendent of Land Records/SRA and Executive Engineer/SRA have jointly visited site on 04.10.2023. The report of Deputy Collector/SRA is on record. The report reveals that there were slum structures and same were kaccha & pakka. The structures are of Ground & Ground + 1st floor. These structures are in use for residential purpose. The slum structures are situated closely and in congested manner. The internal roads are narrow. There is lack of proper sunlight and ventilation. There are some dilapidated structures on site. Lastly Executive Engineer/SRA and District Superintendent of Land Records/SRA concluded that it will be just and proper to declare the said land as Slum Rehabilitation Area.

The Applicant has also submitted photographs of structures on said land alongwith his application. From these photographs it clearly appears that the pathway is narrow and lack of proper sunlight & ventilation. This Authority do not find any reason to discard the site visit report dated 04.10.2023.

The Respondents during the course of hearing as well as in written submissions have raised issue of title. They have also contended that the Applicant has no clear title to the said land. The Advocate for Applicant rightly argued that at this stage this Authority is not concerned with the issue of title. He further argued that this Authority has to decide as to whether there is slum like situation or not. There appears to be much substance in submission of Advocate for Applicant. The issue of title is not relevant in proceedings u/s 3C of the Maharashtra Slum Areas (I, C & R) Act, 1971.

The Respondent No.1 in his objection alleged that the Adivasi families have filed various cases in City Civil Court, Hon'ble High Court, National Commission for Scheduled Tribes (New Delhi) against Applicant and the same are pending. The Respondent No.2 is claiming to be inla malik of said land. So far as the rights of the Respondent No.2 is concerned, his right is limited to the extent of his rehabilitation subject to his eligibility. In present proceedings only the decision is to



be taken regarding declaration of said land as Slum Rehabilitation Area and due to present proceedings the alleged claim of Respondent No.1 & 2 shall not be adversely affected in any way.

It is not in dispute that there is slum like situation on site and the said slum may become source of danger to the slum dwellers residing on said land as well as residents of nearby vicinity. It is pertinent to note that the present application is only for declaration of said land as Slum Rehabilitation Area. So, considering these facts and circumstances on record this Authority has reached to conclusion that it will be just and proper to declare the said land as Slum Rehabilitation Area and accordingly this Authority proceed to pass following order;

ORDER

1. The Application of Applicant M/s. Conwood Agencies Pvt. Ltd. dated 25.05.2023 is hereby allowed.
2. The land bearing CTS No.128/A/66/6, 128/A/66/7, 128/A/66/8, 128/A/66/9, 128/A/66/10, 128/A/66/11, 128/A/66/12, 128/A/66A/1(pt), 128/A/66A/2(pt), 128/A/66A/3A(pt), 128/A/71(pt), 128/A/71/1 & 128/A/73 of Mauje Kandivali, Taluka Borivali, admeasuring 12130.70 sq. mtrs. is hereby declared as Slum Rehabilitation Area u/s 3C(1) of the Maharashtra Slum Rehabilitation Areas (I, C & R) Act, 1971.

SRA/ED/ow/2024/22697

Date: **29 APR 2024**
Place: **Bandra (E), Mumbai.**

[Signature]
Chief Executive Officer
Slum Rehabilitation Authority

Copy to:

1. M/s. Conwood Agencies Pvt. Ltd.
Dynamix House, Yashodham,
General A.K. Vaidya Marg,
Goregaon (West), Mumbai - 400063
2. Mr. Shailesh Suresh Kharva (Patel)
Suresh Patel Chawl, Opp. Shreepal Nagar Building,
Near Shree Ganesh Mandir, Satya Nagar,
Borivali (West), Mumbai 400 092



3. Mr. Parshuram Bhaskar Mali,
Jaijyoti Niwas, Shimpoli Village,
Shimpoli Road, Borivali (West),
Mumbai - 400 093
4. Dy. Chief Engineer/SRA.
5. Executive Engineer (R/C Ward)/SRA.
6. Financial Controller/SRA
7. Jt. Registrar (W.S.)/SRA
- ✓ 8. Information Technology Officer/SRA.
9. Chief Legal Consultant/SRA.





WINDOW/३क (१)म. कॉनवूड एजन्सिज प्रा. लि./कांदिवली/आर.मध्य/२०२४/ 22000

दिनांक: 29 APR 2024

अधिसूचना

ज्याअर्थी, महाराष्ट्र झोपडपट्टी (सुधारणा,निर्मुलन आणि पुनर्विकास) अधिनियम १९७१ च कलम ३ व कलम (३) अनुसार झोपडपट्टी पुनर्वसन प्राधिकरणाने झोपडपट्टी पुनर्वसन योजना तयार करुन दिनांक ९ मार्च १९९८ रोजी राजपत्रात प्रसिध्द केली आहे.

ज्याअर्थी, महाराष्ट्र झोपडपट्टी (सुधारणा, निर्मुलन आणि पुनर्विकास) अधिनियम १९७१ चे कलम ३ (क) उप-कलम (१) अनुसार "झोपडपट्टी पुनर्वसन क्षेत्र" घोषित करण्याचे अधिकार मुख्य कार्यकारी अधिकारी यांना आहेत.

त्याअर्थी उक्त कलम ३ (क) चे उपकलम (१) मधील अधिकाराचा वापर करुन मा. खालीलप्रमाणे अनुसूचीमध्ये दर्शविलेले क्षेत्र "झोपडपट्टी पुनर्वसन क्षेत्र" म्हणून याद्वारे घोषित करीत आहे. सदरचे क्षेत्र बृहन्मुंबई विकास नियंत्रण व प्रोत्साहन नियमावली २०३४ च नियम ३३(१०) अन्वये झोपडपट्टी पुनर्वसन योजना दाखल करण्यास पात्र आहे.

अनुसूची

मौजे - कांदिवली, तालुका - बोरीवली

अ. क्र.	न.भु.क्र.	मिळकत पत्रिकेनुसार क्षेत्र (चौ.मी.)	झोपडपट्टी पुनर्वसन क्षेत्र म्हणून घोषित केलेले क्षेत्र (चौ.मी.)	एकत्रिक चर्तु:सिमा			
				पूर्वेस	पश्चिमेस	दक्षिणेस	उत्तरेस
१	१२८/अ/६६/६	१२.००	१२.००				
२	१२८/अ/६६/७	७.००	७.००				
३	१२८/अ/६६/८	७.००	७.००				
४	१२८/अ/६६/९	६.५०	६.५०				
५	१२८/अ/६६/१०	६.५०	६.५०				
६	१२८/अ/६६/११	१३.००	१३.००				
७	१२८/अ/६६/१२	१४.१०	१४.१०				
८	१२८/अ/६६/अ/१	१४३२.००	१३०४.३०				
९	१२८/अ/६६/अ/२	५६३३.९०	३७१०.४०				
१०	१२८/अ/६६/अ/३/अ	५०६६.१०	४७३७.८०				
११	१२८ अ/७१	२३८८.२०	२०३३.७०				
१२	१२८/अ/७१/१	२३.३०	२३.७०				
१३	१२८/अ/७३	२५४.७०	२५४.७०				
एकुण		१४८६४.३०	१२१३०.७०				

झोपडपट्टी पुनर्वसन प्राधिकरण
प्रशासकीय इमारत, प्रा. अनंत काणेकर मार्ग,
बांद्रा (पुर्व) मुंबई ४०००५१.



(सतिश लोखंडे)
मुख्य कार्यकारी अधिकारी
झोपडपट्टी पुनर्वसन प्राधिकरण



SLUM REHABILITATION AUTHORITY



Slum Rehabilitation Authority (SRA) / ED/ M/s. Conwood Agencies Pvt. Ltd/3C(1)/Kandivali/RC/2024/ 22700

Date: 09 APR 2024

NOTIFICATION

Whereas, the Slum Rehabilitation Authority has formed Slum Rehabilitation Scheme under the provision of section 3B (3) of Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 and published in gazette on 9th April 1998;

Whereas, in view of the provision of Section 3C (1) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 the Chief Executive Officer, Slum Rehabilitation Authority is empowered to declare any area as "Slum Rehabilitation Area".

Therefore, in view of the said provision of section 3C (1) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, I, undersigned is hereby declare the area shown in schedule as "Slum Rehabilitation Area". Now the said area is open to submit scheme of slum rehabilitation as per regulation 33(10) of Development Control & Promotion Regulation, 2034 of Greater Mumbai.

Schedule

Village - Kandivali, Taluka - Borivali							
Sr. No.	CTS No.	Area as per Property card (Sq.mtr.)	Area to be declare as "Slum Rehabilitation Area" (Sq. mtr.)	Consolidated Boundaries			
				East	West	South	North
1	128/A/66/6	12.00	12.00				
2	128/A/66/7	7.00	7.00				
3	128/A/66/8	7.00	7.00				
4	128/A/66/9	6.50	6.50				CTS No. 7/2,
5	128/A/66/10	6.50	6.50				
6	128/A/66/11	13.00	13.00	CTS No. 4/11,	128/A/66/A/1 (pt),	CTS No. 128/A/66/A/1 (pt),	128/A/66/A/1 (pt),
7	128/A/66/12	14.10	14.10	4/15	128/A/66/A/2 (pt),	3/B, 7/A, 7/B, 7/C	
8	128/A/66A/1	1432.00	1304.30		128/A/66/A/3/A (pt),		128/A/71 (pt)
9	128/A/66A/2	5633.90	3710.40				
10	128/A/66A/3A	5066.10	4737.80				
11	128/A/71	2388.20	2033.70				
12	128/A/71/1	23.30	23.70				
13	128/A/73	254.70	254.70				
	Total	14864.30	12130.70				

Slum Rehabilitation Authority
Administrative Building,
Prof.Anant Kanekar Marg,
Bandra (E).Mumbai -400051.



(SATISH LOKHANDE)
Chief Executive Officer,
Slum Rehabilitation Authority