

SLUM REHABILITATION AUTHORITY

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

Shree N.D. Bhuta Charities
Old Nagardas Road, Andheri (East),
Mumbai - 400 069

... Applicant

V/s

1. Yashwant CHS (Prop.),
CTS No.311, 312. 613(pt).
Yashwant Kadam Chawl, Aliyavar Jang Marg,
Near Teachers Colony, Bandra (East),
Mumbai - 400 051
2. Dalit Hitvardhak CHS Ltd.
Bhimprerana, Tapodhan Nagar,
Aliyavar Jang Marg, Bandra (East),
Mumbai - 400 051
3. Mr. Sunil Manyane Gaurya,
Kadam Wadi, Near Teachers Colony,
Highway Road, Bandra (East),
Mumbai - 400 051
4. Mr. Sharad Bhoval,
Chairman of National Union of Backward Classes,
Shop No.1, Laxmi Sadan, Near Amar Hind Mandal,
Gokhale Road North, Dadar (West).
Mumbai - 400 028
5. Mrs. Jaishree D. Mehta,
Mrs. Shaila H. Gandhi,
Mrs. Bhavna Naren Bhuta &
Mrs. Riddhi D. Mukhi
All are the legal heirs of deceased
Smt. Vasantben Ramniklal Bhuta
Residing at 501, Vasant Villa, V.L. Mehta Marg,
J.V.P.D., Juhu Vile Parle,
Mumbai - 400 049.
Through their Advocate Shakuntala A. Mudbidri,
Advocates Association of Western India, Room No.18,
Ground Floor, High Court, Mumbai - 400 032

6. Smt. Azima Shaikh,
001, A-Wing, Bhagwati Ashish CHS,
Near Balaji E.N.T. Hospital,
Syndicate, Murbad Road,
Kalyan (West) - 421301

... Objectioners/
Respondents

**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. Shree N.D. Bhuta Charities for N.D. Bhuta Bandra (SRA) CHS (Prop.) dated 10.12.2020 for declaration of land bearing CTS No.612. 612/1 to 2, Village - Bandra (East), Taluka - Andheri, admeasuring 2381.5 sq. mtrs. as "Slum Rehabilitation Area" u/s 3C(1) of the Maharashtra Slum Areas (I, C & R) Act, 1971. Hereinafter the above said land is referred to and called as "said land". In brief the facts which lead to the present proceedings are as under;

FACTS IN BRIEF

The Applicant submitted the present application u/s 3 C of the Maharashtra Slum Areas (I, C & R) Act, 1971 in respect of land bearing CTS No.612. 612/1 to 2, Village - Bandra (East), Taluka - Andheri, admeasuring 2381.5 sq. mtrs. Alongwith application the Applicant submitted copies of PR Card, slum plan, etc. Pursuant to said application the District Superintendent of Land Records/SRA has submitted report alongwith GIS plan on 05.01.2021. As per his report said land is liable for declaration as "Slum Rehabilitation Area".

The Deputy Collector/SRA has visited site on 15.01.2021. At the time of visit, he noticed that there were slum structures and same were kaccha & pakka. Some of the structures are of Ground + 1st floor. These structures are in use for residential & commercial purpose. The slum structures are situated closely and in congested manner. The internal

... in rainy season. The said area



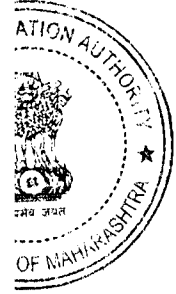
become source of danger to human life. There is lack of proper sunlight and ventilation. There are dilapidated structures on site. There is no open space available on site. Lastly Deputy Collector/SRA concluded that it will be just and proper to declare the said land as Slum Rehabilitation Area.

Pursuant to the site visit of Deputy Collector, a Public Notice dated 04.03.2021 was issued. The Public Notice was given in English and Marathi daily newspapers in "Free Press Journal" and "Samana" on 05.03.2021 inviting the objections, if any. Since there is typographical mistake in name of owner in English in Public Notice, the Public Notice was again given in English newspaper in "Free Press Journal" on 09.03.2021. The Public Notice is also displayed on the official website of Slum Rehabilitation Authority on 08.03.2021. In response to Public Notice the objections are received from Respondents.

Pursuant to objections the parties were heard on various dates. On 05.12.2023, Advocate Nitesh Menon appeared for Applicant. Respondents also remain present and their appearances are separately recorded in attendance sheet. Parties were heard at length and matter was closed for order. Directions given to parties to submit written say within seven days.

ARGUMENT OF APPLICANT

According to Applicant they are the owners of land CTS No.612, 612/1 to 2 by virtue of Deed of Trust dated 26.04.1958 executed between Nagardas Dharsibhai Bhuta and Ramniklal Nagardas Bhuta, Jaysukhlal Nagardas Bhuta, Vasantben Ramniklal Bhuta & Bhanumati Jaysukhlal Bhuta, a Charitable Trust in the name of Nagaras Dharsey Bhuta Charities. The said land was transferred by Mr. Ramniklal Nagardas Bhuta to Applicant in the year 1971. It is further version of Applicant that the legal heirs of Mr. Ramniklal Nagardas Bhuta has themselves admitted in para 20 of the Plaint in Suit No.389 of 2010 in Hon'ble High Court that said land belongs to Applicant. According to Applicant deceased Mr. Ramniklal Nagardas Bhuta himself filed a change report on 11.09.1984 before the Assistant Charity Commissioner



that the land is donated to Applicant Trust. The legal heirs of Mr. Ramniklal Bhuta i.e. Respondent No.5 has no locus to raise objection to present declaration. It is further version of Applicant that through order dated 09.01.2020, the area of CTS No.612 was corrected from 533.7 sq. mtrs. to 2299.7 sq. mtrs. and the same is also recorded in Property Card also.

According to Applicant after the death of Mr. Ramniklal Nagardas Bhuta on 01.11.2005 and Mr. Jaysukhlal Nagardas Bhuta on 14.05.2022 as well as Smt. Vasantben Ramniklal Bhuta on 27.01.2022, the Applicant is having only one surviving Trustee being Smt. Bhanumati Jaysukhlal Bhuta. Thereafter four new Trustees i.e. Mr. Kamlesh Jaysukhlal Bhuta, Mrs. Devangi Kamlesh Bhuta, Mr. Shubhendu Kamlesh Bhuta & Dr. Vrushni Kamlesh Bhuta are appointed and their appointment is confirmed by Assistant Charity Commissioner through change order dated 20.01.2023 and the said change is brought to the notice of this Authority through letter dated 20.11.2023. Accordingly the Applicant being the land owner have the preferential right to develop the said land and on these grounds the Applicant has prayed to declare the said land as Slum Rehabilitation Area.

ARGUMENT OF RESPONDENT NO.1

According to Respondent No.1 occupants on land CTS No.611, 612 & 613 have formed Respondent No.1 society and through Special General Body Resolution dated 12.04.2022 they resolved that there is only Respondent No.1 society in existence and the proposed society Shree N.D. Bhuta Bandra SRA CHS is fraudulently formed by Applicant. According to Respondent No.1 they also submitted proposal of acquisition on said land to this Authority on 30.12.2016 and the same is also pending. It is further version of Respondent No.1 that Shri Anthony John Gowaria & Shri Vishal Sharad Kadam has filed M.A. No.07 of 2014 before the Maharashtra Slum Tribunal challenging the slum declaration u/s 4(1) of the Slum Act in respect of land CTS No.612, 612/1 to 2 & 613 and same is pending. According to Respondent No.1, Shri Jaysukhlal Bhuta has filed Suit bearing No.3148 of 2009 in Hon'ble High



Court and same is pending. It is further version of Respondent No.1 that Shri Jaysukhlal Bhuta has challenged the declaration of said land u/s 4(1) of the Slum Act before the Maharashtra Slum Tribunal. The said Application is rejected by Maharashtra Slum Tribunal and the said declaration has attained finality. On these grounds the Respondent No.1 prayed to reject the application of Applicant.

ARGUMENT OF RESPONDENT NO.2

It is the version of Respondent No.2 that the area of CTS No.612 was corrected from 533.7 sq. mtrs. to 2299.7 sq. mtrs. and the said increased area is forming part of adjoining CTS No.611. It is therefore prayed by Respondent No.2 to this Authority to handover the said increased area to them after demarcation.

ARGUMENT OF RESPONDENT NO.3

It is the version of Respondent No.3 that the challenge to notification u/s 4(1) of the Slum Act is subjudice before the Slum Tribunal.

ARGUMENT OF RESPONDENT NO.4

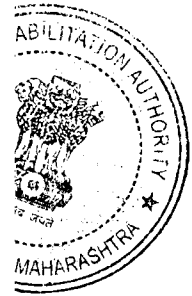
It is the version of Respondent No.4 that they have raise objection to application of Applicant for declaration of said land as Slum Rehabilitation Area.

ARGUMENT OF RESPONDENT NO.5

Advocate Shakuntala A. Mudbidri has submitted objection on behalf of Respondent No.5 on 11.11.2022. According to Respondent No.5 they are the legal heirs of deceased Vasantben Ramniklal Bhuta & Ramniklal Nagardas Bhuta, the co-owners of the said land. The deceased is one of the Co-Trustee of Applicant Trust and has never granted consent for present declaration. On these grounds the Respondent No.5 requested to reject the present Application.

ARGUMENT OF RESPONDENT NO.6

It is the version of Respondent No.6 that the leasehold rights in respect of land CTS No.613 is stands in the name of her father Shri Ahsan Shaikh and he died on 30.12.2019. She being the legal heir of



deceased Mr. Ahsan Shaikh has raised doubt of inclusion of excess area of land CTS No.612 from CTS No.611.

ISSUE

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 the land CTS No.612, 612/1 to 2, Village – Bandra (East), Taluka - Andheri, admeasuring 2381.5 sq. mtrs. as Slum Rehabilitation Area. The record reveals that District Superintendent of Land Records/SRA has submitted report alongwith GIS plan on 05.01.2021, wherein it is mentioned that said land needs to be declared as “Slum Rehabilitation Area”. Thereafter the Deputy Collector/SRA has visited site on 15.01.2021. From said report it appears that there were slum structures and same were kaccha & pakka. Some of the structures are of Ground + 1st floor. These structures are in use for residential & commercial purpose. The slum structures are situated closely and in congested manner. The internal roads are narrow. Water logging occurs in rainy season. The said area become source of danger to human life. There is lack of proper sunlight and ventilation. There are dilapidated structures on site. There is no open space available on site. Lastly Deputy Collector/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 application dated 10.12.2020. From these photographs it clearly appears that the pathways are narrow. There is categorical observation of Deputy Collector to that effect. This Authority do not find any reason to discard their report. During the hearing held on 07.09.2021, this Authority has directed to District Superintendent of



Land Records/SRA & Executive Engineer/SRA to visit site and submit report. Accordingly they visited the site on 14.09.2021 and they have observed that the said land is occupied by slums.

The Respondent No.1 in their objections alleged that they are the proposed society appointed by majority of slum dwellers on said land and the Applicant has fraudulently formed a bogus society in the name of Shree N.D. Bhuta Bandra SRA CHS (Prop.). It is further version of Respondent No.1 that one Shri Anthony John Gowaria & Anr. has filed M.A. No.07 of 2014 in Maharashtra Slum Tribunal challenging the slum declaration u/s 4(1) of the Slum Act in respect land CTS No.612, 612/1 to 2 & 613 and the same is pending. It is further version of Respondent No.1 that there is Suit bearing No.3148 of 2009 filed by Jaysukhlal Bhuta is also pending in Hon'ble High Court in respect of said land.

In present proceedings the issue for determination of this Authority is as to whether conditions for declaration of said land as Slum Rehabilitation Area exist at site or not. The eligible slum dwellers will have to be rehabilitated. So far as the pendency of Suit No.3148 of 2009 in Hon'ble High Court is concern, the official website of the Hon'ble High Court reveals that Suit No.3148 of 2009 is pending at pre-admission stage. The Slum Rehabilitation Authority is not party to said Suit. So far as the challenge to notification u/s 4(1) of the Slum Act in respect of said land is concerned, the said pendency will not restricted this Authority from deciding the present application. Since the said land is declared as Slum Area u/s 4(1) of the Maharashtra Slum Areas (I, C & R) Act, 1971, hence as per Notification published in official Gazette of Govt. of Maharashtra on 23.05.2022 it is deemed to be Slum Rehabilitation Area.

The Respondent No.2 & 6 has raised objection for area correction in CTS No.612. This Authority is not concern with the said issue. If the Respondents have any grievance in that respect then they may approach to appropriate Authority. The report of District Superintendent of Land Records dated 05.01.2021 reveals that the owner of land CTS No.612, admeasuring 2299.7 sq. mtrs. is owned by Applicant.



The Respondents No.5 in their objections alleged that they are the co-owner in respect of said land. The report of District Superintendent of Land Records dated 05.01.2021 reveals that the Applicant is the owner of said land. Due to declaration of said land as Slum Rehabilitation Area the rights of owner shall not be adversely affected in any manner. In present proceedings the issue for determination of this Authority is as to whether conditions for declaration of said land as Slum Rehabilitation Area exist at site or not. So far as the said area is concern the same is lacking basic amenities and report of Deputy Collector reveals that said area needs to be declared as Slum Rehabilitation Area in order improve the standard of living of slum dwellers.

It is pertinent to note that the present application is only for declaration of said land as Slum Rehabilitation Area. 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 i.e. Shree N.D. Bhuta Charities for N.D. Bhuta Bandra (SRA) CHS (Prop.) dated 10.12.2020 is hereby allowed.
2. The land bearing CTS No.612, 612/1 to 2, Village - Bandra (East), Taluka - Andheri, admeasuring 2381.5 sq. mtrs. is hereby declared as Slum Rehabilitation Area u/s 3C(1) of the Maharashtra Slum Areas (I, C & R) Act, 1971.

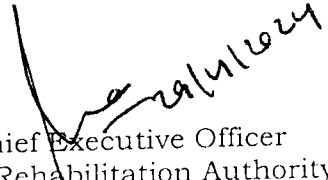
SRA/ED/OW/ 2024 / 23607

Date:

- 2 MAY 2024

Place:

Bandra (E), Mumbai.


Chief Executive Officer
Slum Rehabilitation Authority

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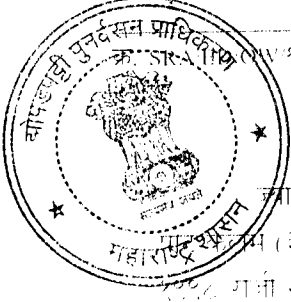
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All are the legal heirs of deceased
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7. Smt. Azima Shaikh,
001, A-Wing, Bhagwati Ashish CHS,
Near Balaji E.N.T. Hospital,
Syndicate, Murbad Road,
Kalyan (West) - 421301
8. Deputy Collector (Special Cell)/SRA
9. Dy. Chief Engineer/SRA
10. Executive Engineer (H/E Ward)/SRA
11. Financial Controller/SRA
12. Asst. Registrar (W.S.)/SRA
- ✓ 13. Information Technology Officer/SRA
14. Chief Legal Consultant/SRA



झोपडपट्टी पुनर्वसन प्राधिकरण

दिनांक - 2 MAY 2024



प्रा. अ. नं. ३, भू. नं. ३०२४/२९६०६

अधिसूचना

त्याअर्थी, महाराष्ट्र झोपडपट्टी (सुधारणा, निमुलन आणि पुनर्वसन) अधिनियम १९७१ च्या कलम ३१(क) उप-कलम (३) अनुसार झोपडपट्टी पुनर्वसन प्राधिकरणाने आपल्या पुनर्वसन बाज्या बाजार करण्य्याचे अर्जास १९७१ च्या कलम ३१(क) उप-कलम (३) अन्वये गती गजपत्रात प्रसिद्ध केले आहे.

त्याअर्थी, महाराष्ट्र झोपडपट्टी (सुधारणा, निमुलन आणि पुनर्वसन) अधिनियम १९७१ च्या कलम ३१(क) उप-कलम (१) अनुसार "झोपडपट्टी पुनर्वसन क्षेत्र" घोषित करण्याचे अधिकार मुख्य कार्यकारी अधिकारी यांचे आहेत.

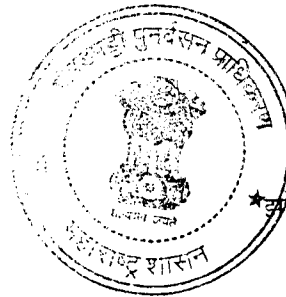
त्याअर्थी उक्त कलम ३ (क) चे उपकलम (१) मधील अधिकारीचा वापर करून मा. मान्यतेप्रमाणे अनुसूचीमध्ये दर्शविलेले क्षेत्र "झोपडपट्टी पुनर्वसन क्षेत्र" म्हणून याद्वारे घोषित करित आहे. सदर क्षेत्र वहरमंती विकासा नियंत्रण व प्रोत्साहन नियमावली २०३४ चे नियमन ३३(१०) अन्वये झोपडपट्टी पुनर्वसन बाज्या बाजार करण्य्यास पात्र आहे.

अनुसूची

मौजे - वांद्रे (पू), तालुका - अंधेरी

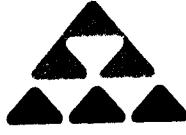
| अ. क्र. | न. भू. क्र. | मिळकत पत्रिकेनुसार क्षेत्र (चौ. मी.) | घोषित करावयाचे क्षेत्र (चौ. मी.) | एकात्रित चतुर्दिशमा | | | |
|---------|------------------|--------------------------------------|----------------------------------|---------------------|--|-----------------|-----------------|
| | | | | पूर्वेस | पश्चिमेस | दक्षिणेस | उत्तरेस |
| १ | ६१२, ६१२, १ ते २ | २३८१.५ | २३८१.५ | न. भू. क्र. ६११ | न. भू. क्र. ६१३ व पश्चिम दूतगली महामार्ग | न. भू. क्र. ६१४ | न. भू. क्र. ६१२ |
| एकुण | | २३८१.५ | २३८१.५ | | | | |

झोपडपट्टी पुनर्वसन प्राधिकरण
प्रशासकीय इमारत,
प्रा. अनंत काणकर मार्ग,
वांद्रे (पूर्व) मंचई ४०००५१.



(सतिश लांबडे)

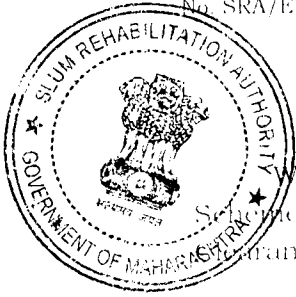
मुख्य कार्यकारी अधिकारी
झोपडपट्टी पुनर्वसन प्राधिकरण



SLUM REHABILITATION AUTHORITY

No. SRA/ED/OW/Shri. N. D. Bhuta Charities/3C(I)/HE/2024- 23609

Date: - 2 MAY 2024



NOTIFICATION

Whereas, the Slum Rehabilitation Authority has formed Slum Rehabilitation Scheme under the provision of section 3B (1) of Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 and published in gazette on 9 April 2024.

Whereas, in view of the provision of Section 3C (I) 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".

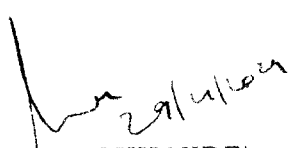
Therefore, in view of the said provision of section 3C (I) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, I, undersigned is hereby declare the area shown in schedule as "Slum Rehabilitation Area". Now the said area is open to submit scheme of slum rehabilitation as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

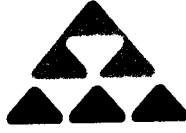
Schedule

| Village - Bandra (E), Taluka- Andheri | | | | | | | |
|---------------------------------------|--------------------|-------------------------------------|--|-------------------------|---|----------------|----------------|
| C. R. | CTS No. | Area as per Property card (Sq.mtr.) | Area declared as "Slum Rehabilitation Area" (Sq. mtr.) | Consolidated Boundaries | | | |
| | | | | East | West | South | North |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1 | 612.612/ 1 to 2 | 2381.5 | 2381.5 | CTS No. 611 | CTS No. 613 & Western Express Highway | CTS No. 614 | CTS No. 611 |
| Total | | 2381.5 | 2381.5 | | | | |

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



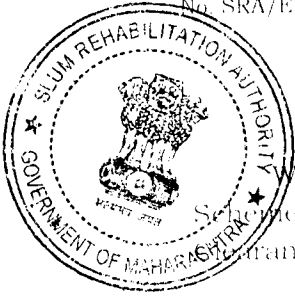

(SATISH LOKHANDE)
Chief Executive Officer,
Slum Rehabilitation Authority



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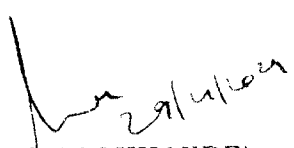
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| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1 | 612, 612/ 1 to 2 | 2381.5 | 2381.5 | CTS No. 611 | CTS No. 613 & Western Express Highway | CTS No. 614 | CTS No. 611 |
| Total | | 2381.5 | 2381.5 | | | | |

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(SATISH LOKHANDE)
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