



**SLUM REHABILITATION AUTHORITY**



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

M/s. Asho Developers,  
through its Partner Shri Dinyar Karanjia,  
Jina House, Plot No.170,  
Om Nagar, Opp. Pipe Line Road,  
Andheri (East), Mumbai - 400 099

.. Applicant

V/s

1. Sunhar Infracom LLP,  
175, Mahalaxmi Building No.3,  
Sir Bhalchandra Road, Hindu Colony,  
Dadar (East), Mumbai - 400 014
2. Mrs. Madhura Raghunath Parab & 2 Ors.  
through C.A. Raghunath V. Parab,  
Parab Niwas, 'A' Wing, 7<sup>th</sup> Floor,  
Building No.76, Pant Nagar,  
Ghatkopar (East), Mumbai - 400 075

.. Respondents  
/Objectioners

**ORDER**

(Passed on )

These proceedings are initiated pursuant to the application of Applicant i.e. M/s. Asho Developers for Alka SRA CHS (Prop.) dated 17.06.2021 submitted u/s 3C (1) of the Maharashtra Slum Areas (I, C & R) Act, 1971 in respect of land bearing CTS No.2/5(pt), 4/A(pt), 4/B(pt), 4/1/B(pt), admeasuring 1925.42 sq. mtrs. of Mauje - Kolekalyan, Taluka - Andheri for declaration of said land as "Slum Rehabilitation Area". In brief the facts which lead to the present proceedings are as under;

**FACTS IN BRIEF;**

The Applicant vide letter dated 17.06.2021 submitted an application along with all the supporting documents u/s 3C (1) of the



Maharashtra Slum Areas (I, C & R) Act, 1971 for declaration of said land as "Slum Rehabilitation Area". Pursuant to said application, the Executive Engineer (H/East Ward)/SRA through letter dated 30.06.2021 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 02.08.2021. As per his report land bearing CTS No.2/5(pt), 4/A(pt), 4/B(pt), 4/1/B(pt), admeasuring 1925.42 sq. mtrs. of Mauje - Kolekalyan, Taluka - Andheri, is liable for declaration as "Slum Rehabilitation Area".

The District Superintendent of Land Records and Executive Engineer has jointly visited site on 15.09.2021. At the time of visit, they noticed that there were slum structures and same were kaccha & pakka. Some huts are of Ground + 1<sup>st</sup> floor. The slum structures are situated closely and in congested manner. The internal roads are narrow. Water logging occurs in rainy season and there is lack of proper sunlight and ventilation. Lastly District Superintendent of Land Records and Executive Engineer 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 14.12.2021 was issued by Executive Engineer. The Public Notice was given in English and Marathi daily newspapers in "The Free Press Journal" and "Punyanagari" on 15.12.2021 inviting the objections, if any. The Public Notice is also displayed on the official website of Slum Rehabilitation Authority on 16.12.2021. In response to public notice the objections are received from Respondents/Objectioners.

Notices were issued to the Respondents as well as Applicant and matter is heard on 10.05.2023 & 06.06.2023. On 06.06.2023, the Applicant remain present alongwith their Advocate. Objectioners also remain present. Parties were heard at length and matter was closed for order.





### **ARGUMENT OF APPLICANT**

According to Applicant, Alka SRA CHS (Prop.) has appointed them as developer for implementation of SR Scheme on said land. It is the version of Applicant that the slum dwellers are residing in slum structures on said land without requisite amenities and there is slum like situation. It is further version of Applicant that they have submitted an application for declaration of land CTS No.2/5(pt), 4/A(pt), 4/B(pt), 4/1/B(pt) as Slum Rehabilitation Area and objection is received only pertaining to land CTS No.2/5(pt) & 4/A(pt). According to Applicant, the Respondent No.1 is owner of land CTS No.2/5 and the said plot is totally occupied by slum dwellers of Alka SRA CHS (Prop.). It is further version of Applicant that, land CTS No.4/A is owned by Late Shri Balkrishna Sadashiv Mirashi as per PR Card, however names of legal heirs of Late Shri Balkrishna Sadashiv Mirashi are not recorded in revenue records. The Respondent No.2 claiming to be legal heirs of Late Shri Balkrishna Sadashiv Mirashi and filed their objection through their Constituted Attorney Shri Raghunath V. Parab. The Respondent No.2 has no locus standi to object the present application submitted u/s 3C of the Slum Act on the ground that larger part of land CTS No.4A is developed by the owner Late Shri Balkrishna Mirashi and slum dwellers of Alka SRA CHS (Prop.) were not included in said development.

According to Applicant the land CTS No.4B stands in the name of Government of Maharashtra and land CTS No.4/1/B is owned by them. It is the contention of Applicant that land CTS No.4A & 4B is already affected due to alignment of DP Road which is forming access to subject SR Scheme and majority portion of DP Road is encroached by Alka SRA CHS (Prop.). 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 proposal of Alka SRA CHS (Prop.) is submitted in the year 2005 and Annexure-II is issued in the year 2006. Since then there is no any progress in subject SR Scheme.



It is further version of Respondent No.1 that being a land owner of land CTS No.2/5, they have the preferential rights to redevelop the said land in occupation of Alka SRA CHS (Prop.). On these ground the Respondent No.1 has prayed to reject the Application of Applicant.

**ARGUMENT OF RESPONDENT NO.2**

According to Respondent No.2, the proposal of Alka SRA CHS (Prop.) is submitted in the year 2005 and Annexure-II is issued in the year 2006. Since then there is no any progress in subject SR Scheme. It is further version of Respondent No.2 that being a owner of land CTS No.4A they have preferential right to redevelop the said land in occupation of Alka SRA CHS (Prop.).

According to Respondent No.2, the land CTS No.4A & 4B in present proceedings are previously numbered as CTS No.4A 1 to 5, admeasuring 7365 sq. mtrs. which was declared as Slum Area and thereafter the permissions u/s 22 of ULC Act, 1976 is also obtained by them. It is further version of Respondent No.2 that in the meanwhile as per section 257 of the Maharashtra Land Revenue Code, 1966, the said land CTS No.4A 1 to 5 is divided into CTS No.4A & 4B. In respect of land CTS No.4A, admeasuring 6194 sq. mtrs. name of Mirashi is recorded as owner. In respect of land CTS No.4B, admeasuring 1171 sq. mtrs. it was mentioned as undecided and name of holder is recorded as Agriculture land.

In respect of land CTS No.4A they have rehabilitated the slum dwellers through Sanket CHS & Aradhana CHS and due to non-cooperation of slum dwellers on land CTS No.4B they could not implement the SR Scheme. The name of Government of Maharashtra is subsequently recorded as owner in respect of land CTS No.4B and the Respondent No.2 has challenged the title of Government of Maharashtra in Hon'ble High Court by filling Writ Petition No.10778 of 2019 and same is jub-judiced. Since title in respect of the land CTS No.4B is under challenge, so the Respondent No.2 has requested this Authority that being owner of land CTS No.4A as well as 4B they have preferential rights to redevelop the said land. The Respondent No.2





has further alleged that Suit No.2699 of 1986 filed by Surendra C. Jhaveri & Ors. V/s. Krishnadas S. Jhaveri & Ors. is pending in Hon'ble High Court. On these grounds the Respondent No.2 has prayed to reject the Application of Applicant.

### **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 the land bearing CTS No.2/5(pt), 4/A(pt), 4/B(pt), 4/1/B(pt), admeasuring 1925.42 sq. mtrs. of Mauje - Kolekalyan, Taluka - Andheri as Slum Rehabilitation Area. The record reveals that District Superintendent of Land Records has submitted report alongwith GIS plan on 02.08.2021, wherein it is mentioned that land bearing CTS No.2/5(pt), 4/A(pt), 4/B(pt), 4/1/B(pt), admeasuring 1925.42 sq. mtrs. needs to be declared as "Slum Rehabilitation Area". Thereafter the District Superintendent of Land Records and Executive Engineer have jointly visited site on 15.09.2021. The report of site visit of District Superintendent of Land Records and Executive Engineer is on record. From said report it appears that there are slum structures and same are kaccha & pakka. Some huts are of Ground + 1<sup>st</sup> floor. The slum structures are situated closely and in congested manner. The internal roads are narrow. Water logging occurs in rainy season. Due to said conditions the District Superintendent of Land Records and Executive Engineer has concluded that there are no hygienic conditions and the said slum may become source of danger to human life.

The Applicant has also submitted photographs of structures on said land alongwith application dated 17.06.2021. From these



photographs it clearly appears that the slum structures are situated closely and in congested manner. There is categorical observation of District Superintendent of Land Records and Executive Engineer to that effect. This Authority do not find any reason to discard their report.

The report of District Superintendent of Land Records dated 17.06.2021 reveals that the Applicant is owner of land CTS No.4/1/B and land CTS No.4/B is owned by State Government. The Respondent No.1 is owner of land CTS No.2/5 and Late Shri Balkrishna Sadashiv Mirashi was owner of land CTS No.4A. The Respondent No.2 is claiming to be legal heirs of Balkrishna Mirashi and the present objection is filed by them through their Constituted Attorney Shri. Raghunath V. Parab. It is pertinent to note that the names of legal heirs of Late Shri Balkrishna Mirashi are not entered in PR Card. The Respondent No.2 in their objection alleged that the ownership rights in respect of land CTS No.4B is in dispute and same is under challenge before the Hon'ble High Court in Writ Petition No.10778 of 2019. The official website of Hon'ble High Court reveals that there is no any interim order passed in said Petition and the said Writ Petition is pending at Pre-Admission stage. So far as the Suit No.2699 of 1986 is concern, the official website of Hon'ble High Court reveals that the said Suit is disposed of on 10.06.2010 by Hon'ble High Court. Ultimately whoever will be the owner they will be entitled for compensation as per provisions of the Maharashtra Slum Areas (I, C & R) Act, 1971. Moreover after declaration of land as Slum Rehabilitation Area the owner shall also get preferential right to redevelop land. Due to declaration of said land as Slum Rehabilitation Area the rights of owner shall not be adversely affected in any manner.

The Respondents have raised issue of title. 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.

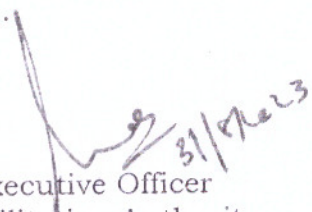
It is not in dispute that there is slum like situation on site and the said slum may become source of danger to the slum dwellers residing on said land as well as residents of nearby vicinity. It is pertinent to note that the present application is only for declaration of said land as Slum Rehabilitation Area. 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 is allowed.
2. The land bearing CTS No.2/5(pt), 4/A(pt), 4/B(pt), 4/1/B(pt), admeasuring 1925.42 sq. mtrs. of Mauje - Kolekalyan, Taluka - Andheri in occupation of Alka SRA CHS (Prop.) is hereby declared as Slum Rehabilitation Area u/s 3C(1) of the Maharashtra Slum Areas (I, C & R) Act, 1971.

Place: - Mumbai

Date:

  
Chief Executive Officer  
Slum Rehabilitation Authority

No.SRA/CEO Order/Alka SRA CHS (Prop.)/42796/2023.

Date: **25 SEP 2023**

Copy to:

1. M/s. Asho Developers,  
through its Partner Shri Dinyar Karanjia,  
Jina House, Plot No.170,  
Om Nagar, Opp. Pipe Line Road,  
Andheri (East), Mumbai - 400 099
2. Sunhar Infracom LLP,  
175, Mahalaxmi Building No.3,  
Sir Bhalchandra Road, Hindu Colony,  
Dadar (East), Mumbai - 400 014

3. Mrs. Madhura Raghunath Parab & 2 Ors.  
through C.A. Raghunath V. Parab,  
Parab Niwas, 'A' Wing, 7<sup>th</sup> Floor,  
Building No.76, Pant Nagar,  
Ghatkopar (East), Mumbai - 400 075
4. Executive Engineer (H/E Ward)/SRA
5. Tahsildar-2 (SRA)
6. Joint Registrar (W.S.)/SRA
7. Finance Controller/SRA
8. Chief Legal Consultant/SRA
- ✓ 9. IT Officer/SRA

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