



SLUM REHABILITATION AUTHORITY



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

M/s. Western Habitat
Centrum House, Level 7,
Vidyanagari Marg, CST Road,
Kalina, Santacruz (East),
Mumbai - 400 098

... Applicant

V/s

1. Mumbai Housing & Area Development Board,
(A MHADA Unit),
Grihanirman Bhavan, Bandra (East),
Mumbai - 400 051.

2. Maharashtra Seva Mandal (Regd.)
Manacha Raja,
Through Janhavi Palande,
Bansi Nagar, Bhagat Chawl,
Dattapada Road, Borivali (East),
Mumbai - 400 066

... Respondents/
Objectors

**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 land owner i.e. M/s. Western Habitat for Om Bansi Nagar CHS (Prop.) dated 05.10.2021 for declaration of land bearing CTS No.88(pt), 97, 97/1 to 34 of Mauje Magathane, Taluka Borivali, admeasuring 3750 sq. mtrs. 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 3 C of the Maharashtra Slum Areas (I, C & R) Act, 1971 in respect of land bearing CTS No.88(pt), 97, 97/1 to 34 of Mauje Magathane, Taluka Borivali, admeasuring 3750 sq. mtrs. Alongwith application the Applicant submitted copies of PR Card, slum plan, etc. Pursuant to said application, the Executive Engineer/SRA through letter dated 18.10.2021 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 22.12.2021. As per his report land bearing CTS No.88(pt), 97, 97/1 to 34 of Mauje Magathane, Taluka Borivali, admeasuring 3719.01 sq. mtrs. is liable for declaration as "Slum Rehabilitation Area". Hereinafter the above said land is referred to and called as "said land". From the report of District Superintendent of Land Records it appears that land CTS No.88 is owned by MHADA & land CTS No.97, 97/1 to 34 is owned by Applicant.

The Executive Engineer/SRA and District Superintendent of Land Records/SRA has jointly visited site on 12.01.2022. At the time of visit, they noticed that there were slum structures and slum structures were Kaccha & Pakka. Some of the huts are of Ground + 1st floor and 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. There is lack of proper sunlight and ventilation. 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 27.04.2022 was issued by this Authority. The Public Notice was given in English and Marathi daily newspapers in "The Free Press Journal" and "Samana" on 29.04.2022 inviting the objections, if any. The Panchanama dated 29.04.2022 confirms that the Public Notice is affixed at conspicuous place on the said land on 27.04.2022. The Public Notice is also displayed on the official website of Slum Rehabilitation Authority on 28.04.2022. The land owning Authority in respect of land CTS No.88 is MHADA, therefore the notice was duly served to MCGM on 19.05.2022. In response to Public Notice the objection is received from Respondent No.2.

Notices were issued to Respondents as well as Applicant and matter is heard on 09.01.2024 & 30.01.2024. On 30.01.2024, Advocate Arun Panickar appeared for Applicant. None present for Respondent No.2. Applicant was heard at length and matter was closed for order. Directions given to submit written say within seven days.

ARGUMENT OF APPLICANT

According to Applicant they are the owners in respect of land CTS No.97, 97/1 to 34 and the name of the Applicant is also duly recorded in property card. The occupants on said land have formed Om Bansi Nagar CHS (Prop) and they appointed Applicant as developer to implement the SR Scheme on said land. The situation at the site is very unhygienic and due to which various diseases were spread. On these ground the Applicant has prayed to declare the said land as Slum Rehabilitation Area.

ARGUMENT OF RESPONDENT NO.1

There is copy of letter of Respondent No.1 dated 22.08.2022 on record. In said letter the Respondent No.1 has stated that they received the letter of this Authority regarding the declaration of said

land as Slum Rehabilitation Area. They are the owner of land CTS No.88 and part of said land admeasuring 119.56 sq. mtrs. is subject matter of present declaration. They requested this Authority for demarcated plan of the said land and till then not to declare the said land as Slum Rehabilitation Area.

ARGUMENT OF RESPONDENT NO.2

According to Respondent No.2, there is a Sulabh Souchalay on said land and the same is in use for resident of the said vicinity. According to Respondent No.2 she is member of Maharashtra Seva Mandal and the said Sulabh Souchalay is in use for last 12 years and the MCGM has awarded the contract of said Sulabh Souchalay to Respondent No.2. There is stay of Hon'ble City Civil Court, Dindoshi dated 11.06.2018 in Civil Suit No.1593 of 2018 for demolition of said Sulabh Souchalay.

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 CTS No.88(pt), 97, 97/1 to 34 of Mauje Magathane, Taluka Borivali, admeasuring 3719.01 sq. mtrs. as Slum Rehabilitation Area. It is contended by Applicant that they are the owners of land CTS No.97, 97/1 to 34 and there name is duly entered into PR card also.

The District Superintendent of Land Records/SRA has submitted report alongwith GIS plan on 22.12.2021 wherein it is mentioned that land bearing CTS No.88(pt), 97, 97/1 to 34 of Mauje Magathane, Taluka Borivali, admeasuring 3719.01 sq. mtrs. is liable



for declaration as "Slum Rehabilitation Area". The report of District Superintendent of Land Records further reveals that the land CTS No.88 is owned by MHADA & land CTS No.97, 97/1 to 34 is owned by Applicant

Thereafter the Executive Engineer & District Superintendent of Land Records has visited site. Their report is on record. From said report it appears that there were slum structures and slum structures were Kaccha & Pakka. Some of the huts are of Ground + 1st floor and 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 some part in rainy season. Due to said conditions the Executive Engineer & District Superintendent of Land Records has concluded that there are no hygienic conditions. From report of District Superintendent of Land Records it reveals that there is unhygienic condition and area become source of danger to human life.

Though the Respondent No.1 has granted sufficient opportunity to present their case, the record nowhere reveals that they have filed any reply raising objection to said declaration. The Respondent No.2 in her objection has raised issue of demolition of Sulabh Souchalay and informed that there is stay order of City Civil Court vide order dated 11.06.2018 in Civil Suit No.1593 of 2018 to demolish the said Sulabh Souchalay. The official website of the City Civil Court reveals that through order dated 11.06.2018, the ad-interim relief is rejected. Even it is assumed that the Hon'ble Court has granted the injunction order in favour of Respondent No.2, there is no any harm to the said Souchalay by slum declaration. In spite of the hearing notices the Respondent No.2 has failed to remain present for hearing nor filed written say as per the directions of this Authority. The Advocate for Applicant argued that this Authority has to decide as to whether there is slum like situation or not. It is not disputed by Respondents that

there is slum like situation and peoples are residing in poor and unhygienic situation. The Executive Engineer & District Superintendent of Land Records have noticed that there is slum like situation and lack basic amenities. There is concurrent opinion of both these officers. This Authority do not find any reason to discard their opinion.

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 concerns raised by Respondent No.2 in their objection are not relevant at this stage. So far the present proceedings are concerned the said issue is irrelevant.

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. Western Habitat for Om Bansi Nagar CHS (Prop.) dated 05.10.2021 is hereby allowed
2. The land bearing CTS No.88(pt), 97, 97/1 to 34 of Mauje Magathane, Taluka Borivali, admeasuring 3719.01 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/2024/15347

Date: 20 MAR 2024

Place: Mumbai .


Chief Executive Officer
Slum Rehabilitation Authority

Copy to:

1. M/s. Western Habitat
Centrum House, Level 7,
Vidyanagari Marg, CST Road,
Kalina, Santacruz (East),
Mumbai - 400 098



2. Mumbai Housing & Area Development Board,
(A MHADA Unit),
Grihanirman Bhavan, Bandra (East),
Mumbai - 400 051.
3. Maharashtra Seva Mandal (Regd.)
Manacha Raja,
Through Janhavi Palande,
Bansi Nagar, Bhagat Chawl,
Dattapada Road, Borivali (East),
Mumbai - 400 066
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.





झोपडपट्टी पुनर्वसन प्राधिकरण

19934/अ (१) वा. वगैरेन ह्यादर म्हाण्डपण आर.मा.अ. २०२४

दि. नं. 20 MAR 2024



अधिसूचना

ज्याअर्थी, महाराष्ट्र झोपडपट्टी (सुधारणा, निर्मुलन आण पुनर्विकास) अधिनियम १९७१ चें कलम ३ व च्या कलम (१) अनुसार झोपडपट्टी पुनर्वसन प्राधिकरणान झोपडपट्टी पुनर्वसन योजना तयार करुन दिनांक ९ एप्रिल २०२४ मदीं निर्णयान प्राप्त केली आहे.

ज्याअर्थी, महाराष्ट्र झोपडपट्टी (सुधारणा, निर्मुलन आण पुनर्विकास) अधिनियम १९७१ चें कलम ३ (क) च्या कलम (१) अनुसार "झोपडपट्टी पुनर्वसन क्षेत्र" घोषित करणाराचे अधिकार मुख्य कार्यकारी अधिकारी यांना आहेत.

ज्याअर्थी उक्त कलम ३ (क) चें उपकलम (१) मधील अधिकाराचा वापर करुन मी, खालीलप्रमाणे अनुसूचीमध्ये दर्शावलेले क्षेत्र "झोपडपट्टी पुनर्वसन क्षेत्र" म्हणून याद्वारे घोषित करीत आहे. सदरचे क्षेत्र बृहन्मुंबई शहराच्या नियंत्रण व प्रांत्याहन नियमावली २०३४ चें नियम ३३(१०) अन्वये झोपडपट्टी पुनर्वसन योजना दाखल करणारास पात्र आहे.

अनुसूची

मौजे - मागाठाणे, 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	उत्तरेस	दक्षिणेस
१	८८	८४८७.५०	११९.५६				
२	९७	३५३९.२०	३१५२.०५				
३	९७.१	१९.४०	१९.४०				
४	९७.२	१९.७०	१९.७०				
५	९७.३	८.००	८.००				
६	९७.४	९.६०	९.६०				
७	९७.५	७.४०	७.४०				
८	९७.६	६.७०	६.७०	न.भु.क्र. ८८(पै)	न.भु.क्र. ९६,९३	न.भु.क्र. ८८(पै),९७ (पै)	न.भु.क्र. २६२,२८०, अ.२, २८१,२८३
९	९७.७	१४.७०	१४.७०				
१०	९७.८	१२.७०	१२.७०				
११	९७.९	७.४०	७.४०				
१२	९७.१०	७.४०	७.४०				
१३	९७.११	२१.७०	२१.७०				
१४	९७.१२	१०.४०	१०.४०				
१५	९७.१३	१०.४०	१०.४०				
१६	९७.१४	८.००	८.००				

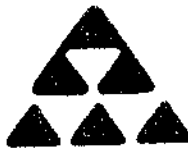
मौजे - मागाठार्णे, तालुका - बोरीवली

अ. क्र.	न.भु.क्र.	मिळकत पत्रिकेनुसार क्षेत्र (चौ.मी.)	झोपडपट्टी पुनर्वसन क्षेत्र म्हणून घोषित केलेले क्षेत्र (चौ.मी.)	एकत्रिक चर्तु:सिमा			
				पूर्वेस	पश्चिमेस	उत्तरेस	दक्षिणेस
१७	९७/१७	९.००	९.००				
१८	९७/१६	८.२०	८.२०				
१९	९७/१७	१७.००	१७.००				
२०	९७/१८	६.९०	६.९०				
२१	९७/१९	१२.२०	१२.२०	न.भु.क्र. ८८(पै)	न.भु.क्र. ९६,९३	न.भु.क्र. ८८(पै),९७(पै)	न.भु.क्र. २६२,२८०, २८१,२८३
२२	९७/२०	१२.२०	१२.२०				
२३	९७/२१	२२.५०	२२.५०				
२४	९७/२२	१०.४०	१०.४०				
२५	९७/२३	१०.४०	१०.४०				
२६	९७/२४	६.५०	६.५०				
२७	९७/२५	६.५०	६.५०				
२८	९७/२६	७८.७०	७८.७०				
२९	९७/२७	१२.६०	१२.६०				
३०	९७/२८	११.२०	११.२०				
३१	९७/२९	९.६०	९.६०				
३२	९७/३०	९.६०	९.६०				
३३	९७/३१	९.३०	९.३०				
३४	९७/३२	९.३०	९.३०				
३५	९७/३३	९.८०	९.८०				
३६	९७/३४	१२.१०	१२.१०				
एकूण		८८५७४.१०	३७१९.०१				

झोपडपट्टी पुनर्वसन प्राधिकरण
प्रशासकाध्य इमारत,
प्रा. अनंत काणकर मार्ग,
वांद्रा (पूर्व) मुंबई ४०००५१.



(सतिश लोखंडे)
मुख्य कार्यकारी अधिकारी
झोपडपट्टी पुनर्वसन प्राधिकरण



SLUM REHABILITATION AUTHORITY

SRA ED/OW 15938 / 3C11/ M/s. Western Habitate/Magathane/RC/2024

Date :

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.

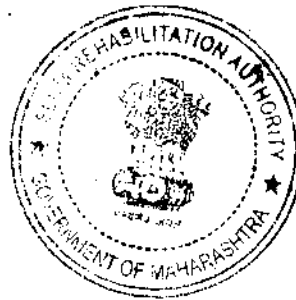
Village - Magathane, Taluka - Borivali

Sr. No	CTS No.	Area as per property card (sq.mt)	Area to be declare as "Slum Rehabilitation Area"	Consolidated Boundaries			
				East	West	South	North
1	88	84587.50	119.56				
2	97	3539.20	3152.05				
3	97/1	19.40	19.40				
4	97/2	19.70	19.70				
5	97/3	8.00	8.00				
6	97/4	9.60	9.60				
7	97/5	7.40	7.40	CTS No.	CTS No.	CTS No.	CTS No.
8	97/6	6.70	6.70	88 (pt)	96, 93	88 (pt), 97	263
9	97/7	14.70	14.70			1pt	280/A/2
10	97/8	12.70	12.70				281, 282
11	97/9	7.40	7.40				
12	97/10	7.40	7.40				
13	97/11	21.70	21.70				
14	97/12	10.40	10.40				

Village - Magathane, Taluka - Borivali

Sr. No	CTS No.	Area as per property card (sq.mt)	Area to be declare as "Slum Rehabilitation Area"	Consolidated Boundaries			
				East	West	South	North
15	97/13	10.40	10.40				
16	97/14	8.00	8.00				
17	97/15	9.00	9.00				
18	97/16	8.20	8.20				
19	97/17	17.00	17.00				
20	97/18	6.90	6.90				
21	97/19	12.20	12.20	CTS No. 88 (pt)	CTS No. 96, 93	CTS No. 88 (pt), 97 1pt)	CTS No. 262, 280/A, 2, 281, 283
22	97/20	12.20	12.20				
23	97/21	22.50	22.50				
24	97/22	10.40	10.40				
25	97/23	10.40	10.40				
26	97/24	6.50	6.50				
27	97/25	6.50	6.50				
28	97/26	78.70	78.70				
29	97/27	12.50	12.50				
30	97/28	11.20	11.20				
31	97/29	9.60	9.60				
32	97/30	9.60	9.60				
33	97/31	9.30	9.30				
34	97/32	9.30	9.30				
35	97/33	9.80	9.80				
36	97/34	12.10	12.10				
Total		88574.1	3719.01				

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



(SATISH LOKHANDE)
Chief Executive Officer,
Slum Rehabilitation Authority