



SLUM REHABILITATION AUTHORITY



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

Shivoham Infrahomes LLP
Through its Partner Mr. Tejraj D. Jain,
Shop No.1, Kamdhenu Apartment,
Babhai Naka, Off. Eksar Road,
Borivali (West), Mumbai - 400 092

... Applicant

V/s

1. Mrs. Algottar Tidiben &
Mr. Vikram Danabhai Galani
Legal heirs of Mr. Tapu Nathu Bharwad
74, Ram Rajya Nagar Society,
Near Bat Bhavani Society,
Varachya Road, Surat City,
Surat, Gujrat - 395006
2. Mr. Laxman Chothabhai Patel (Bharwad) &
Mr. Kamlesh Chothabhai Patel (Bharwad)
Legal heirs of Mr. Ukabhura Bharwad
Survey No.31, Hissa No.1,
CTS No.399, Opp. Ambaji Mandir,
Kasturaba Road No.3, Borivali (East),
Mumbai - 400 066

... Objectioners/
Respondents

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

ORDER

(Passed on - 27.03.24)

These proceedings are initiated pursuant to application of Applicant i.e. Shivoham Infrahomes LLP dated 01.09.2023 for declaration of land bearing CTS No.399(pt), 399/1 to 29, Village - Kanheri, Taluka - Borivali, admeasuring 982.12 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.399(pt), 399/1 to 29, Village - Kanheri, Taluka - Borivali, admeasuring 982.12 sq. mtrs. Hereinafter the above said land is referred to and called as "said land". 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 26.09.2023. As per his report said land is liable for declaration as "Slum Rehabilitation Area".

The District Superintendent of Land Records/SRA and Executive Engineer/SRA have jointly visited site on 26.10.2023. At the time of visit, they noticed that there were slum structures and same were kaccha & pakka. The structures are of Ground + 1st floor and some of the structures are of Ground floor. These structures are in use for residential 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. There is no open space available on site. There are no Public Toilets at 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 07.12.2023 was issued. The Public Notice was given in English and Marathi daily newspapers in "Hindustan Times" and "Lokmat" on 08.12.2023 inviting the objections, if any. The Panchanama confirms that the Public Notice is affixed at conspicuous place on the said land on 08.12.2023. The Public Notice is also displayed on the official website of Slum Rehabilitation Authority on 08.12.2023. In response to Public Notice the objection is received from Respondents.



Pursuant to objections the parties were heard on 08.02.2024. On said day Advocate Manoj Sharma appeared for Applicant. Advocate Anand Sangvikar appeared for Respondents. Parties were 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 Lessee/Developers in respect of land CTS No.399, 399/1 to 29 and they have obtained the development as well as leasehold rights in respect of said land from its owner through registered Lease Agreement dated 09.06.2023. The occupants on site are leaving in unhygienic condition. 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 & 2

The Respondent No.1 & 2 submitted their separate objections on record. Their objections are almost identical. According to Respondents the present proceedings are initiated by Applicant without their consent. It is further version of Respondents that they are imla malik in respect of some of the CTS Nos. on said land. On these grounds the Respondents prayed to reject the application of Applicant.

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.399(pt), 399/1 to 29, Village - Kanheri, Taluka - Borivali, admeasuring 982.12 sq. mtrs. as Slum Rehabilitation Area. The record reveals that District Superintendent of Land Records/SRA has submitted



report alongwith GIS plan on 26.09.2023, wherein it is mentioned that said land needs to be declared as "Slum Rehabilitation Area". Thereafter the District Superintendent of Land Records/SRA and Executive Engineer/SRA has visited site. Their report is on record. From said report it appears that there were structures and structures were Kaccha & Pakka. The structures are of Ground + 1st floor and some of the structures are of Ground floor. These structures are in use for residential purpose. The structures are situated closely and in congested manner. The internal roads are narrow. There is lack of proper sunlight and ventilation. There is no Public Toilets at site. Due to said conditions the District Superintendent of Land Records and Executive Engineer has concluded that there are no hygienic conditions.

The Applicant has also submitted photographs of structures on said land alongwith application dated 01.09.2023. From these photographs it clearly appears that the pathways are narrow. 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 Respondents in their objections alleged that they are the imla malik in respect of some of the CTS Nos. of said land. The Advocate for Applicant rightly argued that at this stage this Authority is not concerned with the issue of other entries in Revenue record. 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.

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 said land is concern the same is lacking basic amenities and report of Executive Engineer and District Superintendent of Land Records reveals that said land 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;

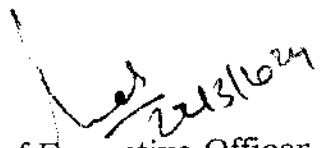
ORDER

1. The Application of Applicant i.e. Shivoham Infrahomes LLP dated 01.09.2023 is hereby allowed.
2. The land bearing CTS No.399(pt), 399/1 to 29, Village - Kanheri, Taluka - Borivali, admeasuring 982.12 sq. mtrs. is hereby declared as Slum Rehabilitation Area u/s 3C(1) of the Maharashtra Slum Areas (I, C & R) Act, 1971.

Date: 27 MAR 2024

Place: Bandra (E), Mumbai .

SRA/ED/OW/2024/16713


Chief Executive Officer
Slum Rehabilitation Authority

Copy to:

1. Shivoham Infrahomes LLP
Through its Partner Mr. Tejraj D. Jain,
Shop No.1, Kamdhenu Apartment,
Babhai Naka, Off. Eksar Road,
Borivali (West), Mumbai - 400 092
2. Mrs. Algottar Tidiben &
Mr. Vikram Danabhai Galani
Legal heirs of Mr. Tapu Nathu Bharwad
74, Ram Rajya Nagar Society,
Near Bat Bhavani Society,
Varachya Road, Surat City,
Surat, Gujrat - 395006
3. Mr. Laxman Chothabhai Patel (Bharwad) &
Mr. Kamlesh Chothabhai Patel (Bharwad)
Legal heirs of Mr. Ukabhura Bharwad
Survey No.31, Hissa No.1,
CTS No.399, Opp. Ambaji Mandir,
Kasturaba Road No.3, Borivali (East),
Mumbai - 400 066.



4. Deputy Collector (Special Cell)/SRA
5. Dy. Chief Engineer/SRA
6. Executive Engineer (R/C Ward)/SRA
7. Financial Controller/SRA
8. Asst. Registrar (W.S.)/SRA
- ✓ 9. Information Technology Officer/SRA
10. Chief Legal Consultant/SRA



झोपडपट्टी पुनर्वसन प्राधिकरण



आ.भ. उक्र. १) म. शिवाहम इन्फ्राहॉमस एल एल पी/कन्हेंरी/२०२४/ ९६७९६

दिनांक : 27 MAR 2024

अधिसूचना

ज्याअर्थी, महाराष्ट्र झोपडपट्टी (सुधारणा, निर्मुलन आणि पुनर्विक्रम) अधिनियम १९७१ चे कलम ३ (क) उप-कलम (३) अनुसार झोपडपट्टी पुनर्वसन प्राधिकरणाने झोपडपट्टी पुनर्वसन योजना तयार करून घेतली आहे. याचा अर्थ १) म. शिवाहम इन्फ्राहॉमस एल एल पी/कन्हेंरी/२०२४/ ९६७९६ मधील गजपत्राने प्रसिध्द केले आहे.

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

ज्याअर्थी उक्त कलम ३ (क) चे उपकलम (१) मधील अधिकार्याचा वापर करून मा. ग्वालील प्रमाणे अनुसूचीमध्ये दर्शविलेले क्षेत्र "झोपडपट्टी पुनर्वसन क्षेत्र" म्हणून याद्वारे घोषित करित आहे. सदर क्षेत्र वृद्धस्मृष्ट विक्रम नियंत्रण व प्रोत्साहन नियमावली २०३४ चे नियम ३३(१०) अन्वये झोपडपट्टी पुनर्वसन योजना राखणे करण्यास पात्र आहे.

घोषित करावयाच्या मिळकतीचे क्षेत्र व चतुःसिमा खालील प्रमाणे :-

अ. क्र.	न.भु.क्र.	मिळकत पत्रिकेनुसार क्षेत्र (चौ.मी.)	मौज - कन्हेंरी, तालुका - वारीवली		एकत्रिक चतुःसिमा		
			झोपडपट्टी पुनर्वसन क्षेत्र म्हणून घोषित केलेले क्षेत्र (चौ.मी.)	पूर्वेस	पश्चिमेस	दक्षिणेस	उत्तरेस
१	३९९	१८१६.९०	६४४.५२	गस्ता न.भु.क्र. ३९९ प. ३९७, ३९८	न.भु.क्र. ३९९ प. ४०१	न.भु.क्र. ६०९, ६१०	न.भु.क्र. ३९८, ३९९ (प.)
२	३९९, १ त २९	३३७.६०	३३७.६०				
	एकुण	२१५४.५०	९८२.१२				

झोपडपट्टी पुनर्वसन प्राधिकरण
प्रशामकीय इमारत, प्रा. अनंत काणेकर मार्ग,
धांडा (पूर्व) म्युंड ४०००५१.



(सतिश लोखंडे)

मुख्य कार्यकारी अधिकारी
झोपडपट्टी पुनर्वसन प्राधिकरण



SLUM REHABILITATION AUTHORITY

Slum Rehabilitation Scheme, Shivoham Infrahomes LLP/Kanheri/2024/16714

Date: 27 MAR 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 14/09/2024:

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 - Kanheri, Taluka - Borivali

Sr. No.	CTS No.	Area as per Property card (Sq.mtr.)	Area declared as "Slum Rehabilitation Area" (Sq. mtr.)	Consolidated Boundaries			
				East	West	South	North
1	399	1816.90	644.52	Road,	CTS No.	CTS No.	CTS No.
2	399/1 to 29	337.60	337.60	CTS No. 397,398	399(pt), 401	409,410	398,399 (pt)
Total		2154.50	982.12				

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



(SATISH LOKHANDE)
Chief Executive Officer,
Slum Rehabilitation Authority