

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8254 OF 2023

Cheryl Soares & Anr. ... Petitioners
Versus
State of Maharashtra & Ors. ... Respondents

Mr. Sudhir Sadavarte for the Petitioners.
Smt. V. S. Nimbalkar, AGP for the Respondent-State.
Ms. Rutuja Shedge a/w. Ms. Aarushi Yadav i/b Ms. Ravleen Sabharwal for
Respondent Nos.2 & 3-SRA.

CORAM : M. S. KARNIK AND
S. M. MODAK, JJ.
DATED : 1st APRIL, 2026.

P.C. :

1. Heard learned counsel for the petitioners.
2. The petitioners claim to be the co-sharers of the land which is subject matter of this petition admeasuring approximately 2298.6 sq. mtrs. According to learned counsel for the petitioners, a slum scheme was submitted by respondent No.4-Society which came to the knowledge of the petitioners some time in September, 2021. The petitioners, therefore, applied under the provisions of Right to Information Act seeking details from the Slum Rehabilitation Authority ('SRA' for short). The petitioners have approached this Court for the following substantive reliefs in terms of prayer clauses (A) and (B) which read thus:-

“A. That this Hon’ble Court may be please to call for the record and proceedings in respect of the Slum Scheme submitted by the Respondent No.4 and 5 and after examining legality and/or validity and/or propriety of their proposal, the same may kindly be quashed and set-aside and thereby reject the Respondent No.4 and 5’s proposal with costs;

B. That the Hon’ble Court by an appropriate Writ and/or Order direct the Respondent No.2 to follow due process of law for implementing the Slum Scheme over the said land.”

3. Learned counsel for the petitioners submitted that the Slum Scheme has been implemented on the said society illegally. The petitioners had approached the SRA but the SRA has refused to furnish any details or take any action in accordance with the provisions of Slum Act. It is further submitted that without the consent of the petitioners, who are the owners of the suit property, the Slum Scheme has been implemented and therefore appropriate directions be issued in this petition as prayed for.

4. We have perused the Affidavit-in-Reply filed on behalf of respondent Nos.2 and 3-SRA. The Affidavit has been affirmed by Shri Balasaheb Tidake, then working as Deputy Collector (Special Cell)/SRA on behalf of respondent Nos.2 and 3-SRA. In paragraph No.4 (b), respondent Nos.2 and 3 have taken a stand thus:

“(b) The petitioner raised queries and filed letters to Respondent no.2 regarding the consent of the owner before the land goes for acquisition. To which the Tehsildar-2 SRA, had issued the letter dated 03rd March 2022 designated to Ms. Cheryl Sores (not exhibited by the petitioner in the present petition but attached at pg. no.88 of the said petition copy) wherein it has been clearly mentioned that as per the records of SRA the said land was never acquired by the authorities of SRA under the provisions of Slums Act And for the details regarding the consent letter of the land owners of the said land they are requested to approach Executive Engineer III

SRA. (annexed and marked herewith as “Annexure-A is the copy of Letter dated 03.03.2022 issued by Tehsildar-2 SRA”).”

5. We are afraid that the present petition lacks material particulars to consider granting any relief in favour of the petitioners. The SRA has taken a clear stand that the land has never acquired by the SRA under the provisions of Slum Act. Further, for the details regarding consent letter of the land owners of the said land, the petitioners are requested to approach the Executive Engineer III, SRA.

6. The petitioners want this Court to issue appropriate directions to the SRA for placing on record the necessary information regarding the Slum Scheme. It is not possible for us in the exercise of writ jurisdiction under Article 226 of the Constitution of India to enter into such an exercise. The petitioner may resort to appropriate remedies for gathering necessary information so far as the said project is concerned. It is also open for the petitioners to approach the Executive Engineer III, SRA as stated in the Affidavit. If the petitioners approach the Executive Engineer III, SRA, the Executive Engineer to process the representation made by the petitioners expeditiously and in accordance with law.

7. In the light of the stand taken by the SRA in this petition, it is not possible for this Court to issue any directions against the SRA for action to be taken in terms of what is prayed for in this petition. The petitioners' remedy to proceed against the respondent-Society is kept open after they

secure better particulars before the appropriate authority. It is obviously open for the petitioners to approach the appropriate authority for initiating action as it is the case of the SRA that the said land was never acquired by the authorities of the SRA under the provisions of the Slum Act.

8. Keeping the contentions in this petition open with liberty to file a fresh petition, the petition is disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)