

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 25510 OF 2024

1. Velkar Ramanlal Welfare Association,
a society / welfare association duly
registered under the provisions of the
Maharashtra Co-operative Societies
Act, 1860 bearing Registration
Number Maharashtra State,
Mumbai – 2019 G.B.B.S.D. 1719/2019
Having their registered at Ramanlal
Chawl, S. V. Road, Borivali (W),
Mumbai – 400 092 ...Petitioner

Versus

1. State of Maharashtra,
Through Housing Minister, to be served
With Government Pleader,
High Court, Bombay. ...Respondent 1

2. The Apex Grievance Redressal Committee,
Slum Rehabilitation Authority
Having address at Administrative
Building, Anant Kanekar Marg,
Bandra (E), Mumbai – 400 051. ...Respondent 2

3. The Chief Executive Officer

Slum Rehabilitation Authority,
Having address at Administrative
Building, Anant Kanekar Marg,
Bandra (E), Mumbai – 400 051

...Respondent 3

4. The Tahasildar – 2 (Special Section),
Competent Authority,
Slum Rehabilitation Authority,
Having address at Administrative
Building, Anant Kanekar Marg,
Bandra (E), Mumbai – 400 051

...Respondent 4

5. Vee Pee Construction Pvt. Ltd.
A company incorporated under the
Provisions of the Companies Act
1956, having its registered office at 10,
Shangrila Apartments, L.T. Road,
Borivali (W), Mumbai – 400 092

...Respondent 5

6. Dharti Simran Infrastructure LLP
A Limited Liability Partnership registered
under the Provisions of the Limited
Liability Partnership Act 2008, having its
Registered office at 641, Iimima Complex,
Raheja Metroplex, off. Link Road,
Behind GSC, Malad (West)
Mumbai – 400 064

...Respondent 6

7. Mhatrewadi And Ramanlal SRA CHS
Through the Chairman/ Secretary/ Chief

Promoter

Having office at Mhatrewadi Ramanlal
Chawl,

S. V. Road, Borivali West, Mumbai – 400
092

...Respondent 7

WITH
INTERIM APPLICATION (L) NO. 25524 OF 2025
IN
WRIT PETITION (L) NO. 25510 OF 2024
WITH
INTERIM APPLICATION (L) NO. 18104 OF 2025
IN
WRIT PETITION (L) NO. 25510 OF 2024

Velkar Ramanlal Welfare Association ...Applicant

IN THE MATTER BETWEEN

Velkar Ramanlal Welfare Association ...Petitioner

Versus

State of Maharashtra And Ors. ...Respondents

WITH
INTERIM APPLICATION (L) NO. 35 OF 2025
IN
WRIT PETITION (L) NO. 25510 OF 2024

Mr. Nishad Suresh Patil ...Intervener/Applicant

IN THE MATTER BETWEEN

Velkar Ramanlal Welfare Association ...Petitioner

Versus

State of Maharashtra And Ors. ...Respondents

Mr. Vijay Kurle, a/w. Mr. Vikas Pawar, Ms. Sonal Manchekar, Mr. Jayendra Manchekar, Mr. Sagar Ugale, Mr. Rahul Yadav, Mr. Priyal Gupta, Advocate for Petitioner.

Mr. Vijay Patil, Senior Advocate i/b. Ruchi Patil, Advocate for Respondent No. 2

Mr. Ravleen Sabharwal a/w. Ms. Aarushi Yadav, Mr. Aatish Tayade, Advocate for Respondent No. 3.

Dr. Sanjay Jain a/w. Mr. Rajesh Sharma, Ms. Tejashree Parab i/b. Rajesh S. Sharma & Associates, Advocate for Respondent No. 5.

Mr. Naushad Engineer, Senior Advocate, with Mr. Viraj Parikh, i/b. Dharmesh S. Jain, Advocate for Respondent No. 6.

Ms. Vinodini Srinivasan, i/b. Pranjali Bhandari, Advocate for Respondent No. 7.

Mr. Manish Upadhye, AGP for the Respondent/State

CORAM : **RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.**

RESERVED ON : 2nd February, 2026

PRONOUNCED ON : 5th May, 2026

JUDGMENT (Per : ASHWIN D. BHOBE, J)

1. Heard Mr. Vijay Kurle learned Advocate for the Petitioner, Mr. Vijay Patil learned Senior Advocate for the Respondent No. 2, Ms. Ravleen Sabharwal learned Advocate for a the Respondent No. 3, Dr. Sanjay Jain learned Advocate for the Respondent No. 5, Mr. Naushad Engineer learned Senior Advocate for the Respondent No. 6 and Ms. Vinodini Srinivasan learned Advocate for the Respondent No. 7 and Mr. Manish Upadhye learned AGP for the Respondent – State.

2. On 24.12.2025, the following order was made:-

1. Heard Mr. Vijay Kurle, learned Advocate for the Petitioner, Mr. Manish Upadhye, learned AGP for the State, Mr. Vijay Patil, learned Senior Advocate for Respondent No. 2, Mr. Milind Sathe, learned Senior Advocate for Respondent No.3, Dr. Sanjay Jain, learned Advocate for Respondent No.5, Mr. Viraj Parikh, learned Advocate for Respondent No.6 and Ms. Vinodini Srinivasan, learned Advocate for Respondent No.7.

2. On 07.11.2025 this Court had passed the following order :-

“1. The parties before us have tendered their written notes of submissions in the light of the earlier order dated 9th September, 2025.

2. Closed for orders.

3. The ad-interim protection granted earlier would continue till the pronouncement of the order.”

3. After perusing the written notes tendered by the Advocate for the Petitioner, Advocate for Respondent Nos. 3, 5, 6 & 7, this Court felt the need for clarification. As such the matter was listed today under the caption ‘clarification’.

4. When the matter was called out, learned Advocates appearing for some of the Respondents made a grievance of they not being served with the written notes filed on behalf of the Petitioner in Writ Petition as well as in the Interim Application (L) No.25524 of 2025. Mr. Vijay Kurle, learned Advocate for the Petitioner submits that he would furnish a copy of the written notes on all the learned Advocates for Respondents, within 3 days from today.

5. Mr. Vijay Kurle tenders a paper book comprising of judgments (127 pages) which are relied upon by him in the written notes dated 01.10.2025. Copies of the same are furnished to the learned Advocate for the Respondents, today.

6. Issues on which clarification is required by this Court were put to the learned Advocates appearing for the parties. Mr. Vijay Kurle, learned Advocate for the Petitioner submits that he would file written notes in response to the queries raised by this Court and seeks time till 5th January, 2026.

7. At the request of Ms. Vijay Kurlle, learned Advocate for the Petitioner and by consent of all the parties, list the matter on 5th January, 2026 for receiving the written notes (clarifications). Thereafter, the matter would be closed for judgment.

3. On 05.01.2026, the following order was made :-

1. Considering the change in the constitution of the Bench, the learned advocates for the respective sides desire to take steps.

2. In view of the above, remove from the board.

4. The parties to the present Petition moved the Registry for the constitution of this Bench. At the joint request of the learned Advocates for the parties appearing in these proceedings, we agreed to take up the present Petition.

5. On 02.02.2026, the following order was passed:-

1. In pursuance to the order dated 24th December, 2025, the following parties have tendered their additional written submissions :-

a) The Petitioner, alongwith case law.

b) Respondent No. 5.

(c) Respondent No. 6.

(d) Respondent No. 7

2. Closed for Judgement.

6. The Petitioner, a Society / Welfare Association of the residents of Chawl, namely, Mhatrewadi and Ramanlal SRA CHS, is before this Court seeking the following reliefs:-

- a. *That Rule be issued;*
- b. *That this Hon'ble Court be pleased to records and proceedings before the Respondent No. 2 Ld. AGRC and the Respondent No. 3 CEO SRA.*
- c. *That his Hon'ble Court be please to declare the impugned Notification dated 17/08/2006 declaring the Slum under section 4 (1) of the SRA Act to be non-est and the same may be pleased to quash and set aside.*
- d. *That this Hon'ble Court be please to quash and set aside the impugned order dated 09/09/2023 issued by the Respondent No. 3 CEO SRA under section 3C (1) of the SRA Act and all the actions consequential to the aforesaid Notification under actions consequential to the aforesaid Notification under section 4 (1) and order under section 3C (1) of the SRA Act including LOI issued dated 10/01/2022 and Notice under section 33 and 38 of the SRA Act as exhibited at Exhibit 'T' and 'U' respectively in this Petition alongwith all the approvals, if any, consequential to the said LOI ar given by the Respondent SRA.*
- e. *That this Hon'ble Court be please to direct the Respondent No. 3 to take appropriate action on the representation made by the Petitioner dated 04/09/2023 at Exhibit 'P' Colly for action on all the concern who have erected the 5 x 5 sq. ft each of total 45 illegal structures in the month of May 2021 and included in the Slum Scheme for unlawful gain of approximately Rs. 100 Crores and to usurp the majority of the members of the Society in Favor of the Developer for implementation of Scheme*
- f. *That this Hon'ble Court during pendency of this Writ Petition be please to stay proceeding under section 33 and 38 of the Slum Act before Respondent No. 4 under impugned Notices dated 24/07/2024 at Exhibit 'U'.*
- g. *That this Hon'ble Court be please to also stay the operation and implementation of the impugned order dated 28/06/2024 by the Ld. AGRC, Notification under section 4(1) declaring Slum,*

impugned order under section 3C (1) by the Respondent CEO SRA and the LOI dated 10/01/2022 issued in the name of the Developer as Exhibited at 'T' during pendency of this Writ Petition;

h. Ad-interim in terms of the prayer clause 'f' and 'g' may be please to grant;

i. Any other order, direction may be please to grant as this Hon'ble Court deems fit and proper in the interest of justice.

7. On 10.10.2024, the following order was made:

1) Mr Patil, learned counsel appearing for Respondent No. 2 seeks time to take instructions. At his request, stand over to 21st November, 2024.

2) Till next date, parties are directed to maintain status quo as of today, with respect to the suit structures of the Petitioner.

3) Period to file reply in pursuance of Order dated 26th September, 2022 is extended by two weeks from today.

8. The interim order dated 10.10.2024 remains in force.

9. Rule. Rule made returnable forthwith, with the consent of the parties, the petition is heard finally.

10. The facts, in the form of a "*concise list of dates*" as referred to in the written submission dated 01.10.2025 filed by the Respondent No. 6, are extracted below in verbatim for convenience:

On 19.04.88 : Respondent No. 5 acquires title in all that piece and parcel of land bearing Final Plot Nos.62 - 64 corresponding CTS Nos. 109(Part), 109/1 to 35, 54 to 78, 118, 119, 120 and 121(part), Village: Kanheri,

Taluka: Borivali, Mumbai Suburban District situated at S.V. Road, Borivali West, Mumbai- 400 092 admeasuring 9,435.90 sq. meters. ("**Larger Property**").

On 10/02/03 and 12/02/03 : The Chief Surveyor conducted inspection and prepared a site survey report recording there are 196 huts standing with only eight toilet blocks, with an open nala, with narrow lanes, and no public bathrooms.

On 17/08/06 : The Additional Collector (Encroachment/Removal), Mumbai Western, Suburban District, issues a Notification under Section 4(1) of the Slum Areas (Improvement, Clearance, and Redevelopment) Act, 1971 ("Slum Act"), declaring an area of 5,224 sq. meters of the Larger Property as Slum land.

On 02/07/20 and 09/07/20 : The Dy. Collector conducts a visit of the Larger Property and prepares a Survey Report. The findings of the Report are inter alia as follows:

- (i) The Subject Property has one public toilet structure consisting of 9 toilets for 200 structures.
- (ii) Open and narrow sewerage lines that overflow during monsoons and enter occupants' houses.
- (iii) Roads and footpaths are narrow.
- (iv) Public clinic, balwadi, prayer hall, public bathroom, are not available.

On 31/07/20 : The Deputy Collector (Encroachment/Removal),

Borivali-2, issues Notification under Section 4(1) of the Slum Act declaring an additional area of 880.43 sq. meters of the Larger Property as Slum land.

In 2021 : Twenty-one (21) person (being members of the Petitioner association) including Yogesh Mansukhlal Shah (who is a Trustee of the Petitioner Association) file 21 separate appeals against the Section 4(1) Declarations, before the Special Tribunal under Section 4(3) of the Slum Act.

On 02/03/21 and 15/03/21 : The Deputy Collector conducts a visit of the Larger Property and prepares a Survey Report. The findings of the Report are inter alia as follows:

(i) There are no proper facilities from health perspective.

(i) Infrastructure is poor.

(ii) There are kuccha and pucca structures.

(iii) Huts are densely packed.

(iv) Internal roads form narrow trails.

(v) There is waterlogging during floods.

(vi) There is lack of sunlight and ventilation.

(vii) There are various dilapidated structures.

viii) Public toilets exist. But are inadequate.

On 04/08/21 : The Executive Engineer conducts a visit of the Larger Property and prepares a Report. He concludes that the conditions for declaration of the Subject Property as Slum Rehabilitation Area, exists on site.

On 09/09/21 : The CEO, SRA, passes an Order under Section 3-C (1) of the Slum Act declaring an area of 6,104 sq. meters (5224 + 880.43) of the Larger Property as a Slum Rehabilitation Area Property"). (**"Subject Property"**)

- On 08/10/21 : The Petitioner Association files Appeal No. 176 of 2021 under Section 3-C (2) of the Slum Act before the Apex Grievance Redressal Committee challenging the Order dated 9th September 2021.
- On 30/11/21 : The Special Tribunal passes an Order dismissing the Appeals challenging the Section 4(1) Declarations. In its Order, at paras. 18 to 22 [at pg. 264], the Special Tribunal records its findings on the Slum-like conditions existing on site on the basis of the Survey Report dated 9th July 2020.
- On 10/01/22 : Letter of Intent is issued by the Slum Rehabilitation Authority ("**SRA**") in favour of Respondent No. 6 for the Slum Rehabilitation Scheme ("**SRS**") of the Subject Property. 123 of 201 occupants have given their consent to the Slum Rehabilitation Scheme.
- On 21/03/23 : Writ Petition filed by Yogesh Mansukhlal Shah (trustee of the Petitioner Association) before this Hon'ble High Court challenging the Order dated 30/11/21 of the Special Tribunal (which upheld the Section 4(1) Declaration) is dismissed. This Hon'ble Court was pleased to observe in paragraph no. 3 that "Section 4 notification was issued after the authority was satisfied that conditions existed on site warranting the declaration of an area and its notification as a slum area" and in para. 4 that "the real intent of the Petition is clear which is to oppose the redevelopment and possibly extract some benefit or gain out of it."
- On 13/07/23 : Writ Petition (L) No. 19288 of 2023 is filed by the Petitioner Association seeking to challenge:
- (i) The Section 4(1) Declaration dated 17/08/06.

(ii) The Section 4(1) Declaration dated 31/07/20.

(iii) The Section 3-C (1) Order dated 09/09/21.

- On 01/08/23 : This Hon'ble Court passes an Order directing that no coercive steps are to be taken against the members of the Petitioner on the grounds that a solution is possible to the entire dispute. The Order was continued from time to time.
- On 24/01/24 : The Association Petitioner withdrew Writ Petition (L) No. 19288 of 2023 with liberty to exercise alternative remedy. Ad-interim relief was not continued by this Hon'ble Court.
- On 30/01/24 : Order dated 24/01/24 was clarified by this Hon'ble Court and Petitioner was given liberty to approach AGRC for seeking grant or continuation of interim or ad-interim relief.
- On 28/06/24 : Final Order was passed by the AGRC dismissing Appeal No. 176 of 2024. Till date, there is no challenge to the AGRC Order.
- On 02/07/24 : Writ Petition (L) No. 20550 of 2024 filed by the Petitioner Association impugning notices issued under Section 33 r/w 38 of the Slum Act for eviction for some of its members for the Slum Scheme.
- On 15/07/24 : Order passed by this Hon'ble Court disposing off Writ Petition (L) No. 20550 of 2024 setting aside the Impugned Notices dated 03/06/24 with liberty to SRA to issue fresh notices and with liberty to the Petitioner association to challenge the AGRC Order dated 28/06/24.
- On 13/08/24 : Present Writ Petition is filed before this Hon'ble Court.

11. Mr. Vijay Kurle, learned Advocate for the Petitioner, in the written submissions in support of his challenge raised in this petition has submitted that the Conveyance Deed dated 19.04.1988 indicates that the tenements occupied by the respective members of the Petitioner have existed since the year 1946, which admission according to him conclusively establishes, that the said tenements are authorized structures as they predate the Statutory Datum Line 01.01.1962 prescribed under the relevant Development Control Regulation. Thus, according to him, the existence of the tenements cannot be treated as encroachers or unauthorized slum dwellers. He submits that the communication exchanged between the Respondent – Developer and the occupant members of the Petitioner confirm that the members’ right as lawful tenants, stands recognised by the Respondent themselves. He submits that the said communication would therefore imply that the members of the Petitioner cannot be equated with casual slum dwellers or encroachers. He submits that the rights of the members of the Petitioner to redevelopment of their respective tenements flow independently and directly under Regulation 37 (7)(A) of the DCPR 2034 which protects and empowers such tenements by granting them entitlement to enhanced freehold permanent rehabilitation tenements. According to Mr. Vijay Kurle, this entitlement is absolute and accrues irrespective of whether

the tenant or their spouse holds any other ownership or rental premises within the limits of Mumbai. He submits that, in stark contrast, the Slum Rehabilitation Scheme under Regulation 33(10) of the DCPR 2034, is a welfare scheme of restricted scope, envisaging the rehabilitation of slum dwellers and encroachers who lack secure housing. He submits that eligibility under this provision is strictly confined to those who do not own or occupy any other tenement in Mumbai in their own name or in the name of their spouse. He submits that the maximum permissible Rehabilitation area under Section 33(10) is restricted to 300 sq. meters reflecting the welfare-oriented nature of the scheme. He submits that the Respondent-Developer, who subsumes the Petitioners' lawful tenancy rights under the restricted framework of regulation 33(10), amounts to a cross-infringement of their vested legal rights. He submits that the crucial issues about infringement of legal property rights of the members of the Petitioner raised for adjudication before the Apex Grievance Redressal Committee (AGRC) were not dealt with in the manner required, consequently, the AGRC erroneously proceeded to pass the order dated 28.06.2024. He submits that the AGRC, instead of exercising its appellate jurisdiction in a judicious manner, mechanically endorsed the stand of the Competent Authority, thereby lending legitimacy to a process tainted with malafides, arbitrariness and non-application of mind.

12. Mr. Vijay Kurle, learned Advocate for the Petitioner, in his written submissions challenging the order dated 28.06.2024 passed by the AGRC, has raised the following contentions which are transcribed herein below in verbatim :-

7. That as regards the fact 'a' among the aforesaid main grounds taken into consideration by the Ld. AGRC for rejection of the Statutory Appeal, it is respectfully submitted that the very foundation of such reliance is ex facie unsustainable, inasmuch as there was no valid or subsisting 'Slum' declaration in existence until the year 2019. This is evident from the following admitted and unrebutted facts:

a. That the information furnished under the Right to Information Act, placed at Exhibit - D (pages 48 to 51), categorically states that no purported Slum Declaration in respect of the subject land existed till the year 2019. The RTI disclosures, being official communications of the Competent Authority, conclusively demolish the Respondents' reliance on any alleged Notification of 2006.

b. That the so-called proposal dated 05/09/2002 in the name of "Mhatrewadi Rahivashi Sangh" for declaration of the subject land as a slum, relied upon by Respondent No. 5 (who claims to be the owner of the scheme land), and annexed at Exhibit-C (pages 46-47 of the Writ Petition), stands demonstrated to be forged and fabricated. This purported proposal has remained wholly unrebutted by the Respondents despite being specifically challenged, which itself amounts to an admission of its falsity.

c. That the Office of the City Survey, Borivali, by its

letter dated 31/01/2004, at Exhibit-D (page 1096 of the Rejoinder), officially informed the Competent Authority under the Slum Act that no such entity as "Mhatrewadi Rahivashi Sangh" ever existed at the site of the alleged slum scheme. This official denial completely undermines the basis of the so-called 2002 proposal.

d. That the Reply filed on behalf of the State through the Competent Authority, Smt. Sheetal Deshmukh, at pages 936 to 960, further confirms that the proposal submitted by Respondent No. 5 through one Amubhai Shah, was forged and fabricated. The said proposal even contained signatures of purported members at Sr. Nos. 3 and 6, who were admittedly deceased much prior to the date of the alleged proposal. This is a clinching circumstance evidencing fabrication and fraud.

e. That the said Amubhai Shah is a habitual white-collar criminal, indulging in systematic acts of forgery and cheating for more than three decades, with the sole motive of usurping immovable properties. He has a history of cheating hundreds of innocent tenants in the vicinity of the subject scheme and other parts of the city, leaving them homeless and destitute. A detailed list of his criminal antecedents is annexed hereto and marked as Annexure – A.

f. That it is also pertinent to highlight that the Respondents have not placed on record a single document evidencing any slum improvement work undertaken by the Slum Improvement Board after the alleged declaration of the land as slum in 2006, till date. This omission is fatal, for the prime object of declaring an area as a slum under Section 4(1) of the Maharashtra Slum Act is to carry out statutory improvement works. The absence of such evidence clearly demonstrates that

no genuine or bona fide slum declaration ever existed.

g. That one of the Member of the Petitioner also had approached before the Hon'ble City Civil Court at Dindoshi under S.C. Suit No. 1871 of 2007 in respect of the grievances about her tenement against the MMRDA. The Hon'ble City Civil Court has identified and declare the Petitioner's Member to be the bona-fide lawful tenants and the Suit is decreed in her favour by order dated 26/10/2015 at Exhibit-B at 14 to 21 in IA (st) No. 18104 of 2025 in this Writ Petition.

h. That the Respondent No. 5 claimed to have ownership title of the Subject Slum Scheme Land had taken out the Chamber Summons to intervene and add as the party to the aforesaid Suit filed by the Member of the Petitioner claiming himself to be the Owner of the Suit Property. However, the Respondent No. 5 could not place on record any of the document showing that he is the owner of the Suit Property which is the Subject Slum Property and the Chamber Summons was dismissed by order dated 18/07/2013. This clearly demolish the claim of Respondent No. 5 of having clear ownership title of the Slum Land Property for the purpose of the Development of the Slum Property by the Respondent No. 5 in the capacity of the Owner of the Slum Land. This dispute over the ownership also establishes the claim of the co-owner of the Slum Property who has filed Interim Application No (L). 35 of 2025 for intervention in this Writ Petition. Copy of the said order dated 18/07/2013 is annexed herewith as Annexure – B.

8. That as far as fact 'b' is concerned, it is evident from the material on record that the same represents nothing but a colourable exercise of power. The declaration of a small parcel of land admeasuring merely 882 sq. mtrs. as a slum was

orchestrated with the oblique motive of subsequently introducing so-called fresh survey reports to cover the entire tract of land admeasuring approximately 6000 sq. mtrs.. This stratagem was adopted without following the mandatory due process of law, and by resorting to manipulation of survey records. It is further submitted that in the absence of any genuine or contemporaneous survey report in respect of the alleged 2006 declaration, the Respondent Authorities had no jurisdiction to proceed under Section 3C(1) of the Maharashtra Slum Act. Yet, despite this patent illegality, the impugned order declaring the entire land as a Slum Rehabilitation Area under Section 3C(1) came to be passed by the Respondent CEO and was mechanically confirmed by the Respondent AGRC. Such action, founded on fabricated and retrospective records, is wholly arbitrary, mala fide, and liable to be quashed.

9. That in paragraph 86 of the impugned order, the Respondent AGRC has erroneously observed that Respondent No. 5 is the lawful owner of the slum land by virtue of the Conveyance Deed dated 19.04.1988, and thereby qualifies to sponsor the scheme. However, the Ld. AGRC has completely overlooked the crucial and admitted fact that the very same Conveyance Deed unequivocally records at Page Nos. 393 and 394 of Reply by the Respondent No. 5 and Page Nos. 671 and 672 of the Reply Affidavit of the Respondent No. 6 the existence of the Petitioners and their predecessors as lawful tenants of the chawls constructed by the erstwhile Imla Malik since as far back as 1946. Thus, the Petitioners occupation is lawful and protected in law, and they cannot be branded or equated as "encroachers." The reliance placed on ownership in isolation, while ignoring the Petitioners' long-standing tenancy rights recognized in the title deed itself, demonstrates non-application of mind and renders the finding perverse. At the same time the aforesaid order of the Hon'ble City Civil Court clearly establishes that the Respondent No, 5 had no ownership title of

the Slum Land till year 2015 to sponsor the subject slum scheme. The said order also proves the falsity of the claim of the respondents about existence of Slum Declaration of the year 2006. Because suit in any court is barred under section 22 and 42 in respect of the disputes in respect of the slum land.

10. That in paragraph 87 of the impugned order, the Ld. AGRC has erroneously observed that the Petitioners have exhausted all legal remedies merely because certain individual members of the Petitioners' Association had, in their personal capacity, initiated separate proceedings in respect of the same slum scheme. Such an observation is ex facie unsustainable in law. The exercise of individual rights by some members cannot deprive or extinguish the collective statutory and constitutional rights of the entire body of Petitioners, nor can it be treated as a bar to maintainability of the present appeal.

It is further submitted that the Ld. AGRC has conveniently ignored a most material circumstance on record- namely, that this Hon'ble Court, upon considering the same set of facts and documents, has already found a strong prima facie case in favour of the Petitioners and has granted interim protection by its order at Exhibit-F, page 78A of the Writ Petition, thereby restraining any coercive demolition action against the Petitioners' authorised tenements. In fact, the said order not only protected the Petitioners but also directed that an opportunity be extended to Respondent Nos. 5 and 6 (the alleged owner and developer respectively) to put forth their stand.

The AGRC's approach of brushing aside such binding judicial protection, while mechanically concluding that remedies stand exhausted, amounts to a gross error apparent on the face of record, a violation of judicial discipline, and an abdication of its appellate responsibility. The impugned finding, therefore, stands vitiated by perversity and non-application of mind.

11. Thereafter, this Hon'ble Court, by order at Exhibit-G (pages 79 to 82), specifically recorded that the Petitioners are not encroachers and directed them to place on record their rent receipts. In compliance, the Petitioners duly filed the requisite rent receipts evidencing their lawful tenancy. However, Respondent Nos. 5 and 6, in blatant contradiction to their own earlier communication at Exhibit H (pages 83 to 85), wherein they had demanded rent from the Petitioners after purchasing the subject slum land property, falsely disputed the authenticity of such rent receipts. It is pertinent that the Petitioners, by letter dated 23/03/2021, immediately responded to the said demand for rent. Despite this, Respondent Nos. 5 and 6 have not furnished any reply till date. Instead, they have colluded with the officers of the Respondent Public Authorities and are attempting to forcibly push through the impugned slum scheme illegally and fraudulently.

12. The Ld. AGRC, being the only substantial appellate remedy available to the Petitioners against any arbitrary, illegal, or unreasonable actions of the Respondent CEO, was under a statutory and judicial obligation to address each and every issue raised by the Petitioners. However, despite the Petitioners having placed impeachable evidence on record-including rent receipts, official communications, and judicial orders the Ld. AGRC failed to consider or deal with these vital aspects. Instead, the AGRC confirmed the arbitrary, illegal, and unreasonable order of the Respondent CEO, thereby enabling Respondent Nos. 5 and 6 to perpetuate their illegality and fraud. This approach has resulted in a direct infringement of the Petitioners' vested property rights protected under Article 300A of the Constitution of India, as well as their statutory tenancy rights under the Maharashtra Rent Control Act, 1999.

13. The Petitioners have further submitted a detailed Feasibility Report at Exhibit - S (pages 349 to 352), which demonstrates that their respective tenements are eligible for rehabilitation

under the applicable Regulation 33(7A) of the DCPR, 2034, thereby entitling each Petitioner to a permanent rehabilitation tenement of more than 500 sq. ft. in area. The Respondents have not rebutted or denied this Feasibility Report, and therefore the contents stand admitted. This fact alone establishes that the impugned action of the Respondent CEO under Section 3C(1) of the Slum Act, and its confirmation by the Respondent AGRC, constitutes a gross infringement of the Petitioners' legal and statutory entitlement. Instead of granting them their rightful enhanced area under Regulation 33(7A), the Petitioners are being illegally restricted to a mere 300 sq. ft. under the impugned Slum Scheme framed under Regulation 33(10). Such an outcome is not only arbitrary but also violative of the principles of equality and fairness guaranteed under Article 14 of the Constitution of India.

14. That apart from the aforesaid infringements, the Ld. AGRC and the Respondent CEO have also failed to consider a substantial illegality relating to false affidavits of eligibility filed by certain so-called tenants in support of the impugned slum scheme. As per law, every beneficiary tenant seeking rehabilitation is required to file a sworn affidavit declaring that neither they nor their spouse hold any other tenement whether on ownership or on rent within the limits of Mumbai City and Suburbs. The Petitioners specifically brought to the notice of the Ld. AGRC, by placing on record Exhibit-O (pages 284 to 307), a detailed list of such tenants who were supporting the impugned scheme despite being ineligible, as they admittedly hold other tenements in Mumbai. These persons had filed false affidavits of eligibility, which were nevertheless illegally accepted and relied upon by the Respondent Authorities in total derogation of statutory provisions. The acceptance of such false and fraudulent affidavits, instead of disqualifying the deponents, amounts to a colourable exercise of power and a direct violation of the rule of law.

15. That on the other hand, the majority of the genuine Petitioners also own or occupy other small tenements solely to accommodate their growing family members, which is a practical necessity in a metropolitan city. In such circumstances, they would stand disqualified from rehabilitation under the impugned slum scheme, as per the very statutory criteria. It is humbly submitted that no public authority or even a Court of law in this country can compel lawful tenants to submit false affidavits in order to claim their rightful rehabilitation. Forcing citizens to adopt such illegality strikes at the root of constitutional governance, offends the dignity of the Petitioners under Article 21 of the Constitution of India, and renders the entire process arbitrary and unsustainable.

16. That further, the Respondent CEO and the Ld. AGRC have also deliberately ignored the grave issue of the fraudulent construction of 45 bogus cubicles measuring 5 x 5 sq. ft. each, which were hurriedly erected in May 2021 with the oblique motive of inflating the number of occupants and fabricating a false majority consent in favour of the developer. The Petitioners have placed on record live photographic evidence of the said bogus structures at Exhibit-N (pages 277 to 283), captured during the course of their actual construction. This fraudulent exercise, carried out in collusion with the Respondent Developer, has resulted in a wrongful gain of approximately ₹100 crores to the private Respondents at the cost of the public exchequer. The AGRC's failure to take cognizance of such glaring evidence of fraud, despite its duty as the sole appellate safeguard, amounts to a complete abdication of its statutory responsibility.

17. Last but not the least that the Respondents going hand-in-glove with each other are also indulge in serious illegalities to perpetuate their fraud for wrongful gain out of the subject slum scheme. The subject slum scheme admittedly being under

section 3C(1) of the Slum Act, the eviction of the occupants can be done only by the clearance order under section 12 r/w section 3D of the Slum Act issued by the CEO of the SRA and not by way of use of powers under section 33 and 38 by the Competent Authority. It is evident from the face of record that the respondents in gross violations and in complete derogation of the statutory provision of the law are desperate to remove the Petitioners from their authorised tenements abusing authority under section 33 and 38 in place of the clearance order as required under the section 12 and 3D of the Slum Act. This very fact clearly establishes that the subject slum scheme is pushed by the respondents arbitrary, illegally and unreasonably by infringing the legal rights of the Petitioner occupants.

13. Respondent No. 3 in the written submissions submits that the challenge of the Petitioner to the Notification dated 17.08.2006 (hereafter “2006 Notification”) as fraudulent, need not be gone into, as according to them, Section 3C is autonomous and independent of a declaration under Section 4 of the Maharashtra Slums Areas (Improvement, Clearance and Redevelopment) Act, 1971 (hereafter “Slum Act, 1971”). It is submitted that the declaration under Section 4 is not a precondition or sine qua non for an order under Section 3C to be passed. It is submitted that the Petitioner has failed to make out any cogent grounds warranting interference against the order dated 09.09.2021 passed under Section 3C of the Slum Act, 1971. It is submitted that the CEO has recorded satisfaction under Section 3C, based on concurrent site reports and reasoned findings indicating a

slum-like situation on the ground. It is submitted that the contention of the Petitioner that its members are not encroachers but tenants / residing on the subject property is wholly irrelevant to a challenge under Section 3C of the Slum Act, 1971. It is submitted that the inquiry under Section 3C of the Slum Act, 1971, is confined to whether slum like situations are prevailing on the ground and the CEO SRA is not required to examine the status of the members of the Petitioner as contended by them. It is submitted that one of the criteria for the declaration of a slum rehabilitation area is that the land answers the description of a slum under Section 4 on account of unhygienic and unsanitary conditions, therefore, the argument that the Section 4 declaration of 2006, which the Petitioner believes to be fabricated and forged, is misconceived.

14. Respondent No. 5 in the written submissions dated 01.10.2025, has relied upon the concise list of dates submitted by Respondent No. 6 and adopted the written submissions filed by Respondent No. 6. In addition, Respondent No. 5 has denied the claim of tenancy raised by the Petitioner. Respondent No. 5 submits that none of the rent receipts relied on by the Petitioner are issued by Vee Pee Constructions or the Original land owner, Gajanan Vinayak Velkar.

15. Respondent No.6, in their written submissions dated

01.10.2025, has submitted that the contention of the Petitioner that the 2006 Notification under Section 4 of the Slum Act, 1971, is forged or fabricated, is frivolous and baseless. Reliance is placed on the Affidavit dated 08.07.2025 and the Gazette dated 17.08.2006, filed by the State Government. Respondent No. 6 submits that the Competent Authority followed the detailed procedure before publishing the 2006 Notification.

16. It is further submitted that the challenge to the 2006 Notification is barred. It is submitted that the Petitioner, in its earlier Writ Petition (L) No. 19288 of 2023, though challenged the 2006 Notification, withdrew the same on 24.01.2024 with liberty to challenge before the appropriate forum, which remedy, according to Respondent No. 6, the Petitioner has not exercised. It is submitted that the present Petition suffers from gross delay and laches. It is submitted that the 2020 Notification under Section 4(1) of the Slum Act, 1971, has attained finality. It is submitted that the records indicate that a slum-like condition exists on the subject property, which has been considered and examined by the order of the CEO, SRA, dated 09.09.2021. It is submitted that the Petitioner is attempting to call upon this Court to re-appreciate the facts on whether a slum-like condition exists on the suit property, which exercise, according to Respondent No. 6, cannot be undertaken in the exercise of writ

jurisdiction, more so on the face of the concurrent finding by the Competent Authority and the Slum Tribunal.

17. The allegation of the Petitioner in this Petition that Respondent No. 6 has erected 45 bogus structures of 5 x 5 feet dimensions, is denied and disputed. It is submitted that the Petitioner has not challenged Annexure-II, which reflects 201 structures on the subject property. Respondent No. 6, without prejudice, has submitted that Respondent No. 6 is a lawful Developer and that the Tenants/Occupants have no right to stall the development or redevelopment as authorised by law and that, if eligible, the members of the Petitioner Association would be entitled to the alternate premises provided in terms of the Slum Act, 1971. It is further submitted that more than 60% of Occupants have duly consented to development under the Scheme. It is submitted that the members of the Petitioner Association, who are minority occupants, cannot hold the majority occupants and the landowner to ransom. Respondent No. 6 has submitted that 122 structures have been demolished, 84 occupants are living in transit camps, and 38 occupants are living on transit lands. Respondent No. 6 submits that the obstruction created by the Petitioner is detrimental to the majority who are already out of their homes. They rely on the following decisions :-

a) *Jokim Vincent Gomes v. State of Maharashtra*,¹

b) *Vivek Chandrakant Mayekar v. State of Maharashtra*²

c) *Taj Mohamed Yakub v. Abdul Gani Bhikan*³,

d) *Laxmi Ram Pawar v. Sitabai Balu Dhotre*⁴,

e) *Santosh Tukaram Patil v. Slum Rehabilitation Authority*⁵

18. Respondent No. 7 has raised contentions identical to those of the contesting Respondents herein and has opposed the Petition filed by the Petitioner.

19. The Petitioner has submitted additional written notes of clarification dated 04.01.2026, urging contentions, which are set out below in verbatim :-

*1. That The present Writ Petition, after having been closed for orders, was listed on **24 December 2025** for the purpose of clarification on the following two issues:*

A. Whether a Notification under Section 4(1) of the Maharashtra Slum Act, 1971 ("Slum Act") is required to be examined, if the genuineness and legality of an impugned Declaration under Section 3C(1) is to be tested independently; and

B. Whether the issue as to whether the Petitioners are

1 2007 SCC OnLine Bom 148
2 2012 SCC OnLine Bom 1872
3 1990 SCC OnLine Bom 373
4 (2011) 1 SCC 356
5 2023 SCC OnLine Bom 2552

encroachers, tenants, or otherwise, is required to be considered by the Competent Authority while passing an order under Section 3C(1) of the Slum Act.

2. ISSUE 'A':

i. *The Petitioner humbly submits that, in the facts and circumstances of the present case, the impugned Declaration under **Section 3C(1)** cannot be tested in isolation, without examining the genuineness and legality of the alleged Notification dated 2006 issued under **Section 4(1)** of the Slum Act.*

ii. *Both the **Competent Authority (CEO, SRA)** and the **Appellate Authority** have primarily and substantially founded their conclusions upon the said alleged Notification under Section 4(1). In such circumstances, the legality of the Section 3C(1) Declaration must necessarily stand or fall with the validity of the foundational Notification.*

iii. *The Constitution Bench of the Hon'ble Supreme Court in **Mohinder Singh Gill v. Chief Election Commissioner & Ors., (1978) 1 SCC 405**, at paragraph 8, has authoritatively held that when a statutory authority makes an order based on stated reasons, its validity must be judged solely on those reasons and cannot be supplemented by fresh reasons later through affidavits or otherwise. An order invalid at inception cannot be validated subsequently by additional grounds. Applying the above settled principle, the impugned Declaration under Section 3C(1), being wholly predicated upon the Notification under Section 4(1), cannot be tested independently or in abstraction.*

iv. *Further, both authorities have completely ignored substantial material placed on record demonstrating the Petitioners' **lawful rights under the Maharashtra Rent Control Act, 1999 and DCPR 2034**, and have instead relied exclusively on the alleged Section 4(1) Notification. Such an approach results in a direct infringement of the Petitioners' property rights protected under statutory law and **Article 300A of the Constitution of India**.*

v. *Without prejudice, even assuming that a valid Notification under Section 4(1) of the year 2006 exists, the issuance of a fresh Declaration under Section 3C(1)*

becomes wholly unnecessary for implementation of the Slum Scheme. The impugned Declaration is therefore ex facie redundant, arbitrary, and demonstrative of gross abuse of statutory power.

vi. *Additionally, a Declaration under Section 3C(1) cannot be given effect to independently without being coupled with a **Clearance Order under Section 3D(b)(ii)(A)** of the Slum Act before issuance of LOI. The statute expressly provides an effective and substantive appellate remedy under Section **3D(b)(ii)(D)** only after issuance of such Clearance Order affecting demolition and eviction.*

vii. *The Appellate Authority is statutorily obligated to examine whether substantial rights and interests of affected persons are prejudiced. In the present case, the Respondents, with an oblique motive, have deliberately bypassed the statutory process by not issuing any Clearance Order, yet proceeded to obtain an LOI and resort to coercive actions under Sections 33 and 38 of the Slum Act, thereby depriving the Petitioners of their statutory remedy.*

3. ISSUE 'B':

i. *In respect of Issue (b), the Petitioner submits that the Competent Authority is mandatorily required to consider whether the Petitioners are **encroachers, lawful tenants, or otherwise**, while passing an order under Section 3C(1). The answer to this issue is unequivocally in **the affirmative**.*

ii. *Rehabilitation and redevelopment of **encroachers** and bona fide **tenants** are governed by distinct statutory regimes. Encroachers on public or private land are governed under the Slum Act read with **Regulation 33(10) of DCPR 2034**, which is a social welfare scheme subject to strict conditions and limitations.*

*In contrast, bona fide and protected tenants recognized under the **Rent Control Act**, tolerated structures under the **MMC Act** existing prior to **1 April 1962**, and redevelopment under **Regulation 33(7A) of DCPR 2034**, confer substantially higher and vested rights, including freehold rehabilitation without the restrictions applicable to slum rehabilitation.*

iv. *These categories are statutorily distinct, confer different*

legal entitlements, and result in materially different rehabilitation benefits. Any decision under Section 3C(1) which ignores this distinction directly infringes the vested legal rights of lawful tenants, including entitlement to enhanced rehabilitation area up to 500 sq. ft., as opposed to the restricted 300 sq. ft. under slum rehabilitation.

*V. The Hon'ble Supreme Court in **Hussain Ghadialy & Ors.** (as relied upon by the Petitioners at page 17, paragraph 5 of the Written Arguments) has categorically held that where a statute prescribes a particular manner for doing a thing, it must be done in that manner alone, and all other modes stand impliedly prohibited.*

vi. Accordingly, where rehabilitation and redevelopment are governed by distinct statutory frameworks, the Respondents cannot circumvent the law by misclassifying lawful tenants as encroachers through a blanket invocation of Section 3C(1).

*4. In view of the aforesaid clarifications, the Petitioner humbly prays that this Hon'ble Court be pleased to **allow the present Writ Petition** and grant all the reliefs as prayed for therein, in the interest of justice.*

20. The Petitioner has relied upon the following decisions :-

- a) ***Joint Action Committee of Air Line Pilots' Assn. of India v. DG of Civil Aviation***⁶,
- b) ***Kishore Samrite v. State of U.P.***⁷,
- c) ***Rajasthan State Industrial Development & Investment Corpn. v. Diamond & Gem Development Corpn. Ltd.***⁸,
- d) ***Meghmala v. G. Narasimha Reddy***⁹,
- e) ***Sayunkta Sangarsh Samiti v. State of Maharashtra***¹⁰,
- f) ***Ameya Housing Pvt. Ltd. Vs. Shree Sai Pawan SRA***

6 (2011) 5 SCC 435

7 (2013) 2 SCC 398

8 (2013) 5 SCC 470

9 (2010) 8 SCC 383

10 (2024) 13 SCC 620

*CHSL & Ors*¹¹,

g) *Union of India v. Ramesh Gandhi*¹²,

h) *S.P. Chengalvaraya Naidu v. Jagannath*¹³,

i) *State of Odisha v. Anup Kumar Senapati*¹⁴, \

j) *Hussein Ghadially v. State of Gujarat*¹⁵,

k) *A.V. Papayya Sastry v. Govt. of A.P.*¹⁶,

21. Respondent No. 5 has filed an additional note dated 05.01.2026. Respondent No. 6 has filed a clarification note dated 05.01.2026, and Respondent No.7 has submitted a written submission dated 05.01.2026. The additional notes/clarifications submitted by Respondent Nos. 5, 6, and 7 are further explanations of the arguments made in their initial written submissions.

22. Perused the records. We have considered the rival contentions.

23. Respondent No. 3 has contended that the issues, or some of the issues, raised in the present Petition were the subject matter of challenge in Writ Petitions as well as in the Appeals provided under

¹¹ Review Petition (L) No. 20289 of 2023 in Writ Petition No. 1197 of 2023

¹² (2012) 1 SCC 476

¹³ (1994) 1 SCC 1

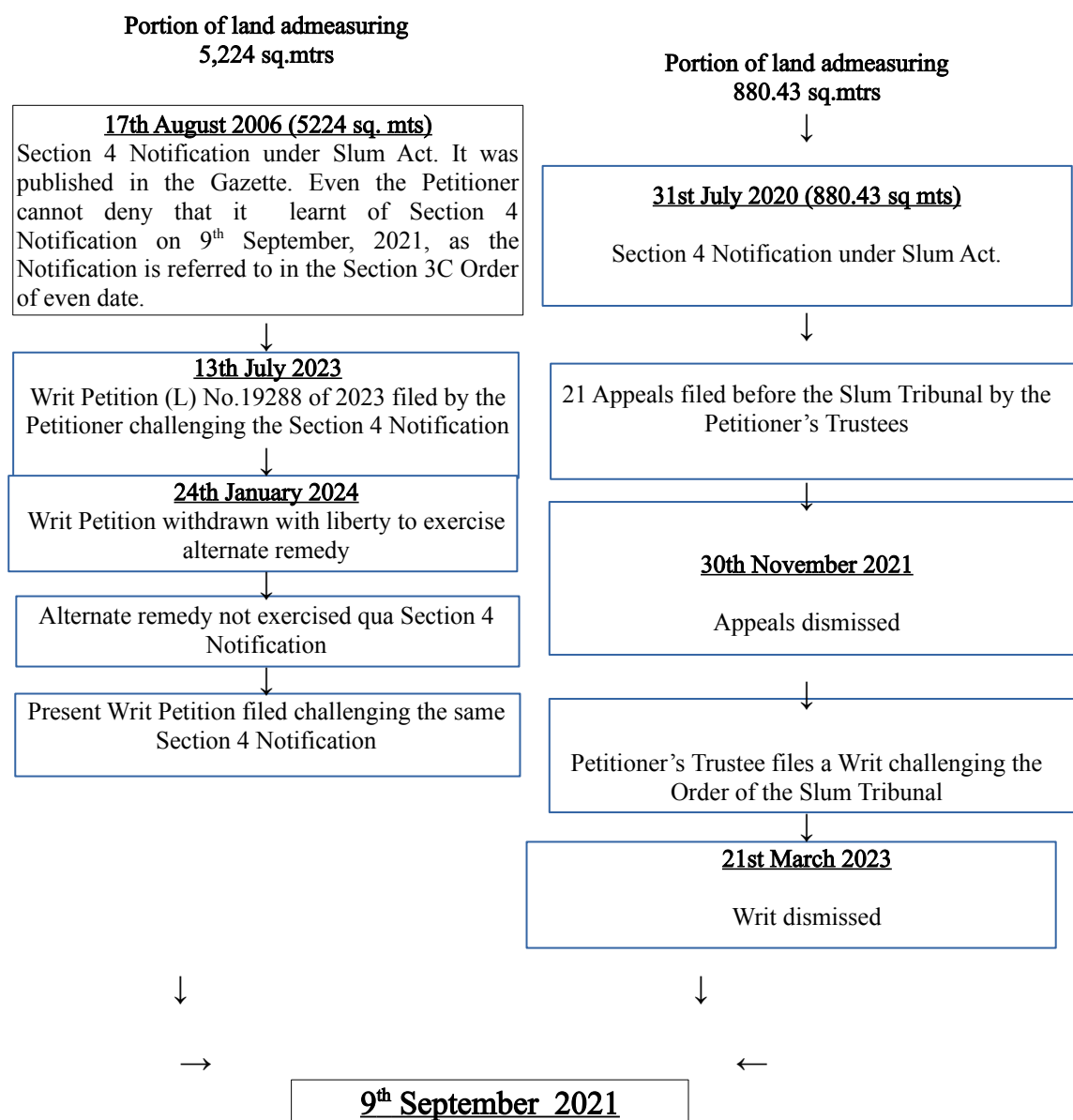
¹⁴ (2019) 19 SCC 626

¹⁵ (2014) 8 SCC 425

¹⁶ (2007) 4 SCC 221

the Slum Act, 1971. At page 14 of the written submissions filed by Respondent No. 3, there is a flow-chart showing the proceedings. For convenience, the said flow-chart is copied here under:-

**FLOWCHART SHOWING REPEATED UNSUCCESSFUL ATTEMPTS
TO CHALLENGE THE SECTION 4 NOTIFICATIONS BEFORE
VARIOUS COURTS AND TRIBUNALS**



Section 3 C Order passed by the CEO, Sra declaring the entire 6, 104.43 sq. m. (5,224 + 880.43)Slum Rehabilitation Area”

24. The Petitioner has challenged the 2006 Notification issued under Section 4(1) of the Slum Act, 1971, in the present Petition, alleging that the said notification is fraudulent. To be precise, in the words of the Petitioner that, the 2006 Notification, issued under Section 4(1) of the Slum Act, 1971, by which the portion of the subject property admeasuring 5224 sq. mtrs was declared a Slum Area, is forged and fabricated. The claim appears to be based on a response to an RTI query of July 2019 which is transcribed herein below in verbatim :-

जाक्रंझोपुप्रा/उजि/कार्या/टेडिद शमाअ५४९११/१९/५८२

प्रति,

श्री. राकेश पटेल,

६०२, पार्क व्ह्यू नाटकवाला. लेन.

एस व्ही रोड, बोरीवली (प), मुंबई ४०० ०९२.

विषय:- माहितीचा अधिकार अधिनियम २००५

संदर्भ:- आपला दि. २९/०७/२०१९ रोजीचा अर्ज

उपरोक्त विषयाबाबतचा आपला दि. २९/०७/२०१९ रोजीचा अर्ज या विभागांकडे संदर्भान्वये प्राप्त झाला आहे. सदर अर्जात आपण प्लॉट नं. ६२, ६३ व ६४ टी. पी. एस ३ ही मिळकत स्लम डिक्लेअर म्हणून घोषित झाल्याचे पुरावा राजपत्र व अन्य माहिती मिळणेबाबत विनंती आहे. तरी प्राधिकरणाच्या उपजिल्हाधिकारी कक्षातील अभिलेखाची तपासणी केली असता सदर मिळकत झोपडपट्टी पुनर्वसन क्षेत्र घोषित झालेले नाही.

तसेच महाराष्ट्र झोपडपट्टी (सू.नि.व.पु.) अधिनियम १९७१ चे कलम ४ (१) अन्वये संबंधित सक्षम प्राधिकारी-तथा-उपजिल्हाधिकारी (अति/निष्का) बोरीवली-२ यांना गलिच्छ वस्ती क्षेत्र घोषित करण्याचे अधिकार आहेत. सबब आपण त्यांचे कार्यालयाशी संपर्क साधून माहिती प्राप्त करून घ्यावी. आपला अर्ज कलम ६ (३) नुसार, जन माहिती अधिकारी, सक्षम प्राधिकारी तथा उपजिल्हाधिकारी (अति/निष्का) बोरीवली-२, बृहन्मुंबई महानगरपालिका मंडई, तळमजला, रुस्तमजी कॉम्प्लेक्स, जयवंत सावंत मार्ग, दहिसर (प), मुंबई - ४०० ०६८. या कार्यालयाकडे वर्ग करण्यात येत आहे. सबब माहिती प्राप्त करून घेण्यासाठी वरील कार्यालयाकडे परस्पर संपर्क करावा.

कलम १९ (१) अंतर्गत प्रथम अपिलीय अधिकारी अधिकारी, मा. तहसिलदार, झोपडपट्टी पुनर्वसन प्राधिकरण, प्रशासकिय इमारत, ५ वा मजला, अनंत काणेकर मार्ग, बांद्रा (पू), मुंबई ४०० ०५१ हे आहेत.

SD/-

(दिनानाथ म्हात्रे)

जन माहिती अधिकारी तथा अव्वल कारकून
झोपडपट्टी पुनर्वसन प्राधिकरण

25. The State Government has filed an Affidavit of the Competent Authority SRA dated 08.07.2025, to which, are the survey of the subject property conducted on 10.02.2003 with a detailed Panchanama (Exhibit B, at page no. 952); the Survey Report dated 12.02.2003 submitted by the Chief Surveyor to the Competent Authority (Exhibit C at page no. 945); the Report dated 21.04.2003 of the Competent Authority indicating the status of the living conditions in the subject property submitted to the State Government (Exhibit-D at page no. 949); Approval received by the Competent Authority vide

letter dated 16.06.2006, declaring the portion of the subject property admeasuring 5224 sq. mtrs., as slum lands (Exhibit E at page no. 954); the order dated 11.07.2006 declaring the portion of the subject property admeasuring 5224 sq. mtrs. as a slum (Exhibit F at page no. 955); and the Notification published in the official Gazette dated 11.07.2006 (Exhibit G at page no. 958).

The said documents as appended to the Affidavit are transcribed herein below :-

a. The detailed Panchanama (Exhibit B) reads as under :-

एस. व्ही रोड
मुंबई-४०००९२
दिनांक - १०/२/२००३

पंचनामा

आम्ही खाली सही करणार पंच सर्वजण राहणार वरील प्रमाणे मा. सह उपनगरे मुंबई यांनी व त्यांचे कडील प्रमुख भूमापक व भूमापक यांनी प्रत्यक्ष जागेवर येवून विचारणे करून आमची वसाहत हि गलिच्छ वस्ती म्हणून घोषित करणेकामी सर्वेक्षण /पाहणीव सर्व पहाण चौकशी करून विचारणी करून सत्य प्रतिज्ञेवर पंचनामा लिहून देतो की

आज दिनांक १०/०२/२००३ रोजी वरील कर्मचारी हे मा. अप्पर जिल्हाधिकारी (अति/निष्का) उपनगरे मुंबई यांचे कडील पत्र क्रमांक पथक ३ /कार्या -६ वशी ६७९/२००२ दिनांक १६/०९/२००२ अन्वये मौजे कन्हारी न भू क्र.१०९(पै) १०९/१ ते ३५ व ५४ ते ७८ न.भू क्र. ११८, ११८/ १ ते १३, ११९ (पै) ११९/१० ते ३४ १२०, १२०/ १ ते ६ या मिळकतीवरील म्हात्रेवाडी रहीवशी संघ एस. व्ही रोड, बोरीवली,

(प), मुबई-४०००९२ या नावाने ओळखल्या जाणाऱ्या झोपडपट्टीची गलिच्छ वस्ती घोषित करणे कामे सर्वेक्षण/पाहणी/चौकशी करणे कामी प्रत्यक्ष जागेवर आले होते.

सदरची कामाची वसाहत ही मौजे -बोरीवली न भू क्र. १०९(पै, १०९/१ ते ३५ व ५४ ते ७५, ११८, ११८ / १ ते १३, ११९ (पै), ११९/१० ते ३४ १२०, १२०/ १ ते ६, १२१ पैकी या मिळकतीवर वसलेली असून ती म्हात्रेवाडी रहिवाशी संघ या स्थानिक नावाने ओळखली जाते . वसाहतीत एकूण १९३ झोपडपट्ट्या आहेत व अंदाजे ९८० ते १००० एवढी लोकसंख्या असावी . वसाहतीत खालील प्रमाणे चतुः सीम आहेत .

पुर्वेस - स्वामी विवेकानंद रोड

पश्चिमेस - शीव बोरीवली न भू क्र १०८

दक्षिणेस - न भू क्र १२२ व मौजे बोरीवली शीव

उत्तरेस - न भू क्र १११, ११२अ, ११७

वसाहतीत खालील प्रमाणे सुविधा आहेत .

१) सार्वजनिक शौचालये - वसाहती दोन ठिकाणी सार्वजनिक शौचालये असून त्यामध्ये ८ शौचकूप आहेत व काही झोपडीधारकांचे झोपडीत शौचालये बांधून त्याचा वापर करीत आहेत.

२) सार्वजनिक पान्याचे - प्रत्येक झोपडीधारक झोपडीत पान्याचे नळाची सोय आहे.

३) सांडपान्याची व्यवस्था - वसाहती मधून एका नाळा जात असून गटारे उघडी व बंद अवस्थेत आहेत.

४) रस्ते व पायवाटा - वसाहतीचे एका बाजूस मुख्य रस्ता असून बाजूस अरुंद गल्ली बोळे आहे.

५) सार्वजनिक दिवाबत्ती- वसाहतीचा बाजूस असलेल्या मुख्य रस्त्यावर स्ट्रीट लाईट आहेत व प्रत्येकाचे झोपडीत लाईटची व्यवस्था आहे.

६) सार्वजनिक दवाखाना - वसाहतीत सार्वजनिक अथवा खजगी दवाखाना नाही.

७) बालवाडी व शाळा - वसाहतीत बालवाडी व शाळा नाही

८) सार्वजनिक प्रार्थना स्थळे - वसाहतीत एक महाकाली मंदिर आहे. इतर प्रार्थना स्थळे नाहीत.

९) सार्वजनिक वाचनालय:- वसाहतीत सार्वजनिक वाचनालयाची सोय नाही.

१०) सार्वजनिक स्नान गृहे - वसाहतीत सार्वजनिक स्नान गृहे नाहीत.

आमचे वसाहतीस मिळत असलेल्या नागरी सुविधाचा व लोकसंख्येची विचार केल्यास आम्हाला मिळत असलेल्या नागरी सुविधा फारच अपुऱ्या प्रमाणात आहे. त्यामळे आमची वसाहत ही

गलिच्छ वस्ती म्हणून घोषित झाल्यास आमचे जीवनमान उंचावयास मदत होईल, तरी कृपया आमची वसाहत ही महाराष्ट्र गलिच्छ वस्ती (सुधारणा, निर्मूलन व पुनर्विकास) अधिनियम १९७१ कलम ४(१) चे तरतुदी नुसार गलिच्छ वस्ती म्हणून घोषित करणे यावी म्हणून जागेवर प्रत्यक्ष हजर राहून वरील पंचनामा आम्ही राजी खुशीन लिहून देत आहे.

	नावे	स्वाक्षरी
1.	Amubhai D. Shah	sd/-
2.	Manjulaben Pandya	sd/-
3.	Bhavanaben R. Shah	sd/-
4.	Dipakbhai Pandya	sd/-
5.	Bharatbhai Raval	sd/-
6.	Sureshchand M. Desai	sd/-

b. The Survey Report dated 12.02.2003 submitted by the Chief Surveyor to the Competent Authority (Exhibit C) reads as under :-

मुंबई, दिनांक १२/२/२००३

प्रति,

मा. सहाय्यक नियंत्रक गलिच्छ वस्त्या,

पश्चिम उपनगरे मुंबई

विषय :- मौजे-कन्हारी, तालुका - बोरीवली, न.भू.क्रं- १०९(पै), १०९/१ ते ३५ व ५४ ते ७८, ११८/१ ते १३/११९ (पै) ११९/१० ते ३४, १२०, १२०/१ ते ६ व १२१ (पै) म्हात्रेवाडी रहीवाशी संघ गलिच्छ वस्ती घोषित करणे बाबत.

संदर्भ: मा. अप्पर जिल्हाधिकारी (अति/निष्का) यांचे दि. ६/२/२००३ चे टिपणी वरील आदेशा प्रमाणे

उपरोक्त विषयधिन संदर्भ अन्वये मौजे - कन्हारी ता बोरीवली येथील न भू क्रं. १०९(पै), १०९/१ ते ३५ व ५४ ते ७८, ११८, ११८ /१ ते १३/११९ (पै) ११९/१० ते ३४, १२०, १२०/१ ते ६ व १२१ (पै) जे जमीनीवर असलेल्या म्हात्रेवाडी रहीवाशी संघ

झोपडीची गलिच्छ वस्ती घोषित करणे कामी पाहणी
व चौकशी करून खालील प्रमाणे अहवाल सादर करीत
आहोत.

१) गलिच्छ वस्तीचे नाव :- म्हात्रेवाडी रहीवाशी संघ ए
स. व्ही. रोड बोरीवली (प)
मुंबई - ४०००९२.

२) वसाहती खालील न. भू. क्र.:- मौजे-कन्हारी, तालुका -
बोरीवली, न.भू.क्रं- १०९(पै),
१०९/१ ते ३५ व ५४ ते ७८
११८/१ ते १३/११९ (पै)
११९/१० ते ३४, १२०, १२०/१ ते
६, १२१ (पै)

३) पात्र अपात्र झोपड्या व

पात्र झोपडीधारकांची संख्या- विषयाधीन न.भू. क्रमांकावर १९६
झोपड्या आहेत व अंदाजे ९८० त
१००० एवढी लोकसंख्या असावी ४५
बोरीवली विधानसभा निर्वाचन क्षेत्राच्या
१९८३- १९८५... ..
झोपडीधारकांची नावे झाली आहेत
मतदार यादीत त्यांचे नावास
अधोरेखित केलेले आहे

४. जमीन मालकाचे नाव :- मिळकत पत्रिके प्रमाणे

न भू. क्र.	धारक
१०९, १०९/१ ते ३५ व १०९/५४ ते ७८	१. श्री.म. नेत्रा अजित विजयकर २. वरुणा श्रीकांत तांबे ३. अनिता रघुनाथ म्हापसकर
न. भू. क्र. १२०, १२०/१ ते ६	
न भू. क्र. ११८, ११८/१ ते १३	
न भू. क्र. ११९(पै) ११९/१० ते ३४	
न. भू. क्र. १२१ (पैकी)	

५. सुविधांचा तपशील :-

१. सार्वजनिक शौचालये:- वसाहतीत दोन ठिकाणी सार्वजनिक शौचालये असून त्यामध्ये आठ शौचकूप आहेत काही झोपडीधारकांनी स्वतंत्र शौचालये बांधून त्याचा वापर करीत आहेत.
२. सांडपाण्याची व्यवस्था :- वसाहती मधून एक नाळा जात असून गटारे उघडी आहेत.
३. पाण्याची व्यवस्था :- प्रत्येक झोपडीधारकांचे झोपडीत पाण्याच्या नळाचे सोय आहे.
४. रस्ते व पायवाटा :- वसाहतीचे एका बाजूस मुख्य रस्ता असून आतील बाजूस अरुंद गल्लीबोळ आहेत.
- सार्वजनिक दिवाबत्ती :- वसाहतीचे बाजूस असलेल्या मुख्य रस्त्यावर स्ट्रीट लाईट आहेत व प्रत्येकाचे झोपडीत लाईटची व्यवस्था आहे.
- दवाखाने :- वसाहतीत सार्वजनिक दवाखाना नाही
- बालवाडी व शाळा :- वसाहतीत बालवाडी अथवा शाळा नाही
- प्रार्थना स्थळे : वसाहतीत एक महाकाली मंदिर आहे
- सार्वजनिक वाचनालये:- सार्वजनिक वाचनालय नाहीत
- सार्वजनिक स्नानगृहे : सार्वजनिक स्नानगृहे नाहीत.

मुद्दा क्रमांक ५ प्रमाणे वसाहत गलिच्छ वस्ती घोषित करण्यास असणारी परिस्थिती :-

७) घोषित करायचे क्षेत्र
न भू.क्र.

क्षेत्र

१०९ पै १०९/१ ते ३५ व ५४ ते
७८

२४९४-१ चौ.मी.

११८, ११८/१ तं १३

३२१-७ चौ.मी.

११९ (पै) ११९/१० ते ३४

१०३५-० चौ.मी.

१२०, १२०/१ ते ६

२१७-७ चौ.मी.

१२१ पैकी

८७९-७ चौ.मी.

८)घोषित करावयाचा क्षेत्रापैकी

मोकळे क्षेत्र :-

घोषित करावयाचा क्षेत्रामध्ये मोकळे क्षेत्र अंतर्भूत केले नाही .

९)घोषित करावयाचा क्षेत्राचा

संयुक्त मोजणी नकाशा :- संयुक्त मोजणी नकाशा अर्जदार यांनी सादर केलेला नाही. मात्र जागेवरील वस्तुस्थिती दर्शविणारा झोपड्यांचा नकाशा सोबत जोडलेला आहे.

१०)घोषित करावयाचा क्षेत्रावर

असणारे आरक्षण –

अर्जदार यांनी डी पी रिमार्क प्रकरणी सामील केलेला आहे. मात्र ते फायनल प्लॉट प्रमाणे आहेत. कृपया अवलोकन होण्यास विनंती आहे.

सदरहू वसाहतीस खालील प्रमाणे चतूः सीमा आहे

पुर्वेस – स्वामी विवेकानंद रोड

पश्चिमेस – शीव बोरीवलीची व न.भू.क्र १०७

दक्षिणेस – न.भू.क्र.१२२ व मौजे बोरीवलीची शीव

उत्तरेस – न भू क्र १११, ११२अ, ११७

वसाहतीत १९६ झोपडीधारक असल्याचे आढळून आले आहे. त्याप्रमाणे झोपडीधारकांची नावे विचारून नावांची यादी तयार केली आहे. व त्यांचे नावासमोर मतदार यादीत अढळ झालेले अनुक्रमांक नमूद केले आहेत. व मतदार यादीत त्यांचे नावास अधोरेखित करून यादीतील अनुक्रमांक नमूद केले आहेत. प्रकरणी सामील केलेल्या झोपड्यांचे नकाशाचे आधारे जागेवर चौकशी केली असून त्याच्या आधारे चौकशी केलेल्या यादीच्या व नकाशाच्या चार प्रति तसेच चौकशी केले बाबत केलेला पंचनामा या सोबत जोडून वरील प्रमाणे अहवाल सादर करित आहोत. तरी पसंतीनुरूप पुढील योग्य ती कार्यवाही होणेस विनंती आहे. सोबत मुळ प्रकरणासह घातांक १ ते असे.

१) sd/-

२) sd/-

c. The Report dated 21.04.2003 of the Competent Authority indicating the status of the living conditions in the subject property submitted to the State Government (Exhibit-D) reads as under :

क्रमांक पथक-३ कार्या-८ वशी ६७९/२००३
अप्पर जिल्हाधिकारी (अतिक्रमन / निष्कासन]
पश्चिम उपनगर जिल्हा यांचे कार्यालय,
प्रशासकीय इमारत, ७ वा मजला
बांद्रा [पूर्व] मुंबई- ४०० ०५१.
दिनांक: २१/०४/२००३.

प्रति,
मा. प्रधान सचिव,
गृहनिर्माण विभाग,
मंत्रालय, मुंबई- ४०० ०३२.

विषय: मौजे कन्हेरी तालुका - बोरिवली.

न. भू. क्र. १०९ पै, १०९/१ ते ३५ व ५४ ते ७८
११८, ११८/१, १ ते १३, ११९ पै, ११९/१० ते
३४, १२०, १२०/१ ते ६, १२१ पै म्हात्रेवाडी रहिवाशी
संघ. गलिच्छ वस्ती घोषित करणे बाबत.

महोदय,

उपरोक्त विषयाबाबत म्हात्रेवाडी रहिवाशी संघ एस. व्ही. रोड, बोरिवली यांनी या कार्यालयांत त्यांची झोपडपट्टी महाराष्ट्र झोपडपट्टी [सुधारणा, निर्मुलने व पुर्नविकास] अधिनियम १९७१ चे कलम ४ [१] अन्वये गलिच्छवस्ती घोषित करणेबाबत केलेल्या विनंतीनुसार मुद्देनिहाय अहवाल खालील प्रमाणे सादर करणेत येत आहे.

१] वसाहतीचे नाव - म्हात्रेवाडी रहिवाशी संघ.

एस. व्ही. रोड, बोरिवली.

२] वसाहतीतील न. भू. क्रं:- १०९ पै १०९/१ ते ३५ व ५४ ते ७८
११८, ११८/१ ते १३ ११९ पै ११९/१० ते
३४ १२०, १२०/१ ते ६, १२१ पै

३] पात्र, अपात्र
झोपडया व पात्र

सदरहू वसाहतीमध्ये एकूण १२६ झोपडया
असुन त्यापैकी ८३ झोपडीधारकांची नवि

झोपड्यातील
लोकसंख्या :-

सन १९८३, १९८५ व १९९५ चे मतदार
यादीभाग क्र. ७०, ११६ मध्ये आढळतात
त्यानुसार एकूण ८३ झोपडी- धारक पात्र
ठरवू शकतात व ११३ झोपडीधारक अपात्र
ठरू शकतात. पात्र झोपडीधारकांची
लोकसंख्या अंदाजे ४०० असून अपात्र
झोपडीधारकांची लोकसंख्या अंदाजे ५८०
आहे. एकूण झोपड्यांची लोकसंख्या ९८०
आहे.

४] जमिनीचे मालक :- मौजे कन्हरी तालुका- बोरीवली येथील

न.मू.क्र. :- १०९, १०९/१ ते ३५ व १०९
/५४ ते ७८ ११८, ११८/१ ते १३ ११९ पै
११९/१० ते ३४ १२०, १२०/१ ते ६ व
१२१ पै या जमिनीचे मिळकत पत्रिकेच्या
उता-यानुतार खालील मिळकतीचे मालक १]
श्रीमती नेत्रा अजित विजयकर २] वरुणा
श्रीकांत तांबे ३] अनिता रघुनाथ म्हापसकर
आहेत.

५) सुविधा तपशील:-

सुविधा तपशील:-	वसाहतीमध्ये उपलब्ध असलेल्या सुविधा	मानकाप्रमाणे सुविधाची कमी सुविधा आवश्यक
अ) शौचालय :-	वसाहतीमध्ये दोन ठिकानी असून त्यामध्ये आठ शौचकुप आहेत.	११ ३
ब:) सार्वजनिक नळ	सार्वजनिक नळ नाही परंतु प्रत्येक झोपडीत पाण्याचे नळाची सोय आहे.	२ २
क) गटारे:-	सांडपाणी वाहून नेणारी गटारे उघडी आहेत.	— गटारे बंद नाहीत.

ड) पायवाटा:	अरुंद पायवाटा	६ फुटापर्यंत पायवाटा रुंद असणे आवश्यक
इ) रस्ते :-	एका बाजूला मुख्य रस्ता आहे.	रस्ता असणे रस्ते नाहीत. आवश्यक
सार्वजनिक दिवाबत्ती:	मुख्य रस्त्यावर स्ट्रीट लाईट आहे परंतु सार्वजनिक दिवाबत्ती सोय नाही.	सार्वजनिक दिवाबत्ती नाही. आवश्यक

६] कलम ४(१) म्हात्रेवाडी रहिवाशी संघ या वसाहतीमध्ये रहाणा-या लोकांची लोकसंख्या विचारात घ्या तरतुदीनुसार घेतल्यास लोकसंख्येस मानपादंडा प्रमाणे सुविधा पुरेशा प्रमानात नाहीत. तसेच अरुंद वसाहत घोषित रस्ता सार्वजनिक सुविधांचा अभाव असल्यामुळे सदर वसाहत गलिच्छ वस्ती घोषित करणेसाठी असणारी करण्या सारखी परिस्थिती आहे

परिस्थिती:-

७] घोषित करावयाचे न. भू. क्र.

क्षेत्र :- १०९, १०९/१ ते ३५ व ५४ ते ७८ ३२२२.६ चौ. मी

११८, ११८/१ ते १३ ४२६.२ चौ मी.

११९, पै. ११९/१० ते ३४ १०३५. ० चौ. मी

१२०, १२०/१ ते ६ २१७.७ चौ. मी.

१२१ पै ३२२.५ चौ. मी.

५२२४. चौ मी.

[पाच हजार दोनशे चोवीस चौ.]

८] घोषित घोषित करावयाच्या क्षेत्रामध्ये मोकळे क्षेत्र अंतर्भूत केले नाही.

करावयाच्या

क्षेत्रापैकी मोकळे

असणारे क्षेत्र :-

९. प्राथमिक नोटीस वरील मिळकतीचे संबंधित जमीन मालक श्रीमती नेत्रा अजित विजयकर, वरुणा कारवाई केल्यानंतर श्रीकांत तांबे, अनिता रघुनाथ म्हापसकर यांना सदरची गलिच्छवस्ति घोषित का करू प्राप्त झालेल्या नये या आशयाचे प्राथमिक नोटीस दिनांक :- २७/०२/२००३ रोजी निर्गमित केल्या हरकती व त्या वरील होत्या

कारवाई:- वरील नोटिसा निर्गमित केल्यानंतर जमीन मालक १] श्रीमती नेत्रा अजित विजयकर २] वरुणा श्रीकांत तांबे ३] अनिता रघुनाथ म्हापसकर यांनी या

कार्यालयातील दिनांक - १०/०३/०३ रोजी लेखी निवेदन सादर केले असून त्यामध्ये त्यांनी असे नमूद केले आहे की. आर्थिकदृष्ट्या ते गरीब असल्याने झोपडीधारकांना प्राथमिक सुविधा पुरवू शकत नाही. सदर मिळकत गलिच्छवस्ति घोषित करण्यास हरकत नाही. तथापि त्यांचा मालकी हक्क अबाधित राहिले पाहिजेत त्यात बदल होता कामा नये.

१०]घोषित
करावयाचा
नकाशा:-

या कार्यालयांती भूमापक यांनी प्रकरणी तयार केलेला नकाशा सोबत जोडला आहे.

११]घोषित अर्जदार यांनी वरील मिळकतीबाबतचे डी. पी. रिमार्क सादर केले नसल्याने करावयाच्या क्षेत्रावर आरक्षणाबाबत उल्लेख करता येत नाही.

असलेले आरक्षण :-

१२]अप्पर सदर प्रकरणी मौजे - कन्हेंरी तालुका बोरिवली न. भू. क्र . १०९ पै. १०९/१ ते ३५ जिल्हाधिकारी:-[व ५४ ते ७८, ११८, ११८/१ ते १३, ११९ पै. ११९/१० ते ३४, १२०, १२०/१ ते ६, १२१ पै. यांचे क्षेत्र ५२२४.०० चौ. मी. असून सदर क्षेत्रावर एकूण १९६ निष्कासन] यांचे झोपड्या आहेत. त्यांपैकी -८३ झोपडीधारकांची नावे सन -१९८३-१९८५, अभिप्राय १९९५ च्या मतदार यादीमध्ये आहे. सदर झोपडीत असलेल्या सुविधा माणकाप्रमाणे पुरेशा नाहीत. तसेच झोपड्या / बांधकामे ही योजनाबद्ध नाहीत. अरुंद रस्ते, सुविधांचा अभाव त्यामुळे भौगोलिक परिस्थिती मानवी जीवनास अपायकारक आहे. तसेच जमीन मालक यांनी सदरच्या झोपडपट्टीत सुविधा देऊ शकत नाही परंतु त्यांनी त्याचा मालकी हक्क अबाधित राहिल्यास त्यांची गलिच्छवस्ति घोषित करण्यास हरकत नाही. असे लेखी निवेदन दिले आहे या कारणास्तव सदरची वस्ती गलिच्छवस्ति घोषित करणे आवश्यक आहे.

तसेच सदर मिळकतीबाबाद श्रीमती - शांताबाई ल म्हात्रे यांनी न. भू. क्र १२१, ११९, १०८ या मिळकती बाबत त्यांना विचारल्या शिवाय गलिच्छवस्ती घोषित करू नये असे त्यांनी लेखी निवेदन या कार्यालयात तसेच मा. सचिव, गृहनिर्माण विभाग यांना २-४-२००२ रोजी देण्यात आले आहे.

तरी सदर मिळकत महाराष्ट्र झोपडपट्टी [सुधारणा निर्मूलन व पुनर्विकास] अधिनियम - १९७१ चे कलम ४[१] अन्वये घोषित करणे आवश्यक आहे. तरी प्रकरणी गलिच्छवस्ति शासन निर्णयानुसार घोषित करण्याबाबत प्रकरण मान्यतेसाठी सादर करण्यात येत आहे.

सोबत संचिका पान १ ते ६१७ सादर करणेत येत आहे.

आपला विश्वासू

sd/-

अप्पर जिल्हाधिकारी [अतिक्रमण / निष्कासन]

मुंबई उपनगर जिल्हा [पश्चिम उपनगरे.]

d. Approval received by the Competent Authority vide letter dated 16.06.2006, declaring the portion of the subject property admeasuring 5224 sq. mtrs., as slum lands (Exhibit E) reads as under :-

क्रमांक : गवसु. २००३/प्र.क्र.२१०/झोपसू-१
गृहनिर्माण विभाग, मंत्रालय, मुंबई-४०० ०३२.
दिनांक : १६.०६.२००६

अतिरिक्त जिल्हाधिकारी (अति./निष्का.),
पश्चिम उपनगरे,
नवीन प्रशासकीय भवन, ७ वा मजला,
सरकारी वसाहत, वांद्रे (पूर्व),
मुंबई-४०००५१.

विषय: मौजे-कन्हेंरी, ता. बोरीवली, न.भू.क्र.१०९ (पै), १०९/१ ते ३५ व ५४ ते ७८, ११८, ११८/१ ते १३, ११९ (पै), ११९/१० ते ३४, १२०, १२०/१ ते ६ व १२१ (पै), म्हात्रेवाडी रहिवाशी संघ, एस. व्ही. रोड, बोरीवली ही झोपडपट्टी महाराष्ट्र झोपडपट्टी (सु.नि.व.पु.) अधिनियम, १९७१ चे कलम ४(१) अन्वये गलिच्छवस्ती घोषित करण्याबाबत.

संदर्भ: (१) आपले पत्र क्र. पथक-३/कार्या-८/वशी-६७९/२००३, दि.२९.४.२००३.
(२)क्र.अजि/अति/नि/पथक-३/कार्या./८/ग.व./एसआर.३७/०५, दि.२३.९.२००५.
(३)क्र. अजि/अति/निष्का./पथक-३/कार्या-८/ग.व./एसआर.३७/०५, दि.१४.१२.१००५

महोदय,

मौजे-कन्हेंरी, ता. बोरीवली, न.भू.क्र.१०९ (पै), १०९/१ ते ३५ व ५४ ते ७८, ११८, ११८/१ ते १३, ११९(पै), ११९/१० ते ३४, १२०, १२०/१ ते ६ व १२१ (पै), म्हात्रेवाडी रहिवाशी संघ, एस.

व्ही. रोड, बोरीवली ही झोपडपट्टी महाराष्ट्र झोपडपट्टी (सु.नि.व पु.) अधिनियम, १९७१ चे कलम ४(१) अन्वये गलिच्छवस्ती घोषित करण्याबाबत (क्षेत्र ५२२४.०० चौ.मी.) संदर्भाधीन पत्रासोबत पाठविलेल्या प्रस्तावास मान्यता देण्यात येत आहे.

विषयांकित भूभाग "गलिच्छवस्ती" म्हणून घोषित करण्याबाबतची कार्यवाही करण्यात यावी व तसे शासनासही कळविण्यात यावे ही विनंती. सोबत मूळ संचिका पाठविण्यात येत आहे.

सहपत्र : वरील प्रमाणे.

SD/-
आपला विश्वासू

(संजय खेडेकर)
कक्ष अधिकारी, महाराष्ट्र शासन

e. The order dated 11.07.2006 declaring the portion of the subject property admeasuring 5224 sq. mtrs. as a slum at Exhibit F reads as under :-

क. पथक-३/कक्ष-८/४ (१)/ग.
व/एसआर-३७/०५
अपर जिल्हाधिकारी (अति/निष्कासन)
पश्चिम उपनगरे, मुंबई याचे कार्यालय
प्रशासकीय इमारत, ७वा मजला,
बांद्रा (पूर्व), मुंबई ४०० ०५१
दिनांक: / ०७ / २००६.

वाचले

१) शासन पत्र गृहनिर्माण विभाग, मंत्रालय क्र.गवसु-
२००३/प्र.क्र.२१०/झोपसु-१/ दिनांक १६/६/२००६.

महाराष्ट्र झोपडपट्टी (सुधारणा, निर्मूलन व पुनर्विकास) अधिनियम,
१९७१ मधील कलम ४ (१) नुसार कार्यवाही-

आदेशः

म्हात्रेवाडी रहिवाशी संघ, एस. व्ही. रोड, बोरीवली (पश्चिम), मुंबई-९२ यांनी मौजे-कन्हेरी, तालुका-बोरीवली येथील नगर भूमापन क्रमांक १०९ (पै), १०९/१ ते ३५, ५४ ते ७८, ११८, ११८/१ ते १३, ११९ (पै), ११९/१० ते ३४, १२०/१ ते ६ व १२१ (पै) या भूखंडावर असलेली वसाहत गलिच्छ वस्ती म्हणून घोषित करावी असा अर्ज या कार्यालयात सादर केला होता.

सदर अर्जाची प्रमुख भूमापक यांचेकडून प्राथमिक चौकशी करून पंचनाम्यासह अहवाल या कार्यालयात दिनांक १२/२/२००३ रोजी सादर केला आहे. त्यानुसार सदर वसाहतीत नागरी सुविधांचा अभाव असून नागरी सुविधा योग्य व पुरेशा प्रमाणात नाहीत. रस्ते, गटारे, सार्वजनिक दिवा बत्ती यांची पुरेशी व्यवस्था नाही असे दिसते.

सदर वसाहत घोषित करण्यापूर्वी नगर भूमापन क्रमांक १०९ (पै), १०९/१ ते ३५, ५४ ते ७८, ११८, ११८/१ ते १३, ११९ (पै), ११९/१० ते ३४, १२०/१ ते ६ व १२१ (पै) च्या जमिन मालक श्री म. नेत्रा अजित विजयकर, वरुणा श्रीकांत तांबे व अनिता रघुनाथ म्हापसकर यांना प्राथमिक सुनावणीची नोटीस बजावण्यात आलेली होती. त्यांनी गलिच्छ वस्ती घोषित करणेस हरकत घेतली परंतु जमीन मालक यांनी सदर वसाहतीमध्ये कोणत्याही सुविधा न पुरविल्याने त्याची हरकत ग्राह्य धरलेली नाही

या वसाहतीची सक्षम प्राधिकारी यांनी समक्ष जागा पहाणी केलेली आहे वसाहतीत नागरी सुविधांचा अभाव असल्याची खात्री झाली आहे परंतु शासन निर्णय गृहनिर्माण विभाग दिनांक २८/५/२००१ नुसार खाजगी जागेवरील वसाहत गलिच्छ वस्ती म्हणून घोषित करावयाची असल्यास सदर प्रस्तावास शासनाची मान्यता घेणे आवश्यक असल्यामुळे मौजे कन्हेरी, तालुका-बोरीवली येथील नगर भूमापन क्रमांक १०९ (पै), १०९/१ ते ३५, ५४ ते ७८, ११८, ११८/१ ते १३, ११९ (पै), ११९/१० ते ३४, १२०/१ ते ६ व १२१ (पै) वरील वसाहत गलिच्छ वस्ती घोषित करणे बाबतचा प्रस्ताव शासनाकडे दि. २९/४/२००३ रोजी सादर करणेत आला होता. त्याप्रमाणे सदर प्रस्तावास शासनाकडून शासन पत्र गृहनिर्माण विभाग दिनांक १६/६/२००६ अन्वये सदर वसाहत गलिच्छ वस्ती घोषित करणेस मान्यता मिळालेली आहे

सबब मी, अपर जिल्हाधिकारी (अतिक्रमण/निष्कासन) तथा सक्षम प्राधिकारी, पश्चिम उपनगरे, मला महाराष्ट्र झोपडपट्टी

(सुधारणा, निर्मूलन व पुनर्विकास) अधिनियम, १९७१ मधील तरतुदीनुसार प्रदान केलेल्या अधिकाराचा वापर करून मौजे-कन्हेरी, तालुका-बोरीवली येथील नगर भुमापन क्रमांक १०९ (पै), १०९/१ ते ३५, ५४ ते ७८, ११८, ११८/१ ते १३, ११९ (पै), ११९/१० ते ३४, १२०/१ ते ६ व १२१ (पै) क्षेत्र ५२२४.०० चौ. मिटर क्षेत्रावर वसलेली म्हात्रेवाडी रहिवाशी संघ ही वसाहत महाराष्ट्र झोपडपट्टी (सुधारणा, निर्मूलन व पुनर्विकास) अधिनियम १९७१ मधील कलम ४(१) नुसार गलिच्छ वस्ती म्हणून घोषित करित आहे. तशी अधिसूचना निर्गमित करून राजपत्रात प्रसिध्दी साठी पाठविण्यात यावी.

SD/-

अपर जिल्हाधिकारी (अति/निष्कासन), व
सक्षम प्राधिकारी, पश्चिम उपनगरे, मुंबई

f. The Notification dated 11.07.2006 (Exhibit G) reads as follows:

“BY THE ADDITIONAL COLLECTOR (ENCROACHMENT/REMOVAL) AND COMPETENT AUTHORITY, MUMBAI WESTERN SUBURBAN DISTRICT

No. Unit-3/Desk-8/4(1)/SR-37/05. - Whereas, the Additional Collector (Encroachment / Removal), Western Suburban District, Mumbai has been appointed as Competent Authority under section 3 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 in respect of classes of all lands and of Western Suburban; And whereas, on the basis of information about the slum area available, the Competent Authority hereunder (hereinafter referred to "the said Area") are source of danger to the health, safety or convenience of the public of that area and of its neighbourhood by reason of the area having inadequate basic amenities, overcrowded and being insanitary, squalid and/or otherwise;

And whereas, the Government in Housing Department, Mantralaya vide letter No. Gavas 2003/P. K. 210/Zopasu-I, dated 16th June, 2006 has issued direction to declare the area shown herein under admeasuring

5224.00 sq. mtrs., as Slum Areas.

Now, therefore, in exercise of the powers conferred on me, under section 4(1) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 I Additional Collector (Encroachment/Removal) and Competent Authority, Western Suburban Mumbai District, declare the said areas to be as Slum Areas

Schedule of Areas

*Local Name of the Area and Village Mhatrewadi,
Rahiwas Sangh, S. V. Road, Bandra (West), Mumbai 400
092. Village Kanheri*

S. No. C.T.S. No.	Area in Sq. meter
M.S.D. 109 (pt) 109/1 to 35 54 to 78, 118, 118/1 to 13, 119 (Pt), 119/1 to 34 120 120/1 to 6 and 121 (Pt)	5224.00
Total..	5224.00

Description of Boundaries :-

East - C.T.S. S. V. Road.

West - O.T.S. No. 105.

South - C.T.S. No. 122.

North - C.T.S. No. 111, 112A, 117

SD/-

H. B. UDHAN

*Additional Collector (Enc./Removal)
And Competent Authority,
Mumbai Western Suburban District"*

26. The aforesaid factual matrix does not support the contention of the Petitioner that the 2006 Notification is fraudulent.

27. Respondent No. 6, in their written submissions, have submitted as follows :-

8. Therefore, it is patently erroneous for the Petitioner to suggest that the 2006 Declaration was passed in any secretive manner. In fact, the record reveals that various members of the Petitioner association were aware of the procedure for declaring the Subject Property in 2003 itself and had addressed objection letters to the Competent Authority. (R6, COD, Pg. 26 – 34)

28. The 2006 Notification was challenged by the Petitioner in Writ Petition (L) No. 19288 of 2023. The order dated 24.01.2024 passed by this Court in the said Petition reads as follows:

1. Mr Kurle states that the present Application for contempt may be dismissed as withdrawn but with a liberty to the individual namely, Vimla C Shah/Lalit C Shah to file a separate Contempt Application/Petition for identical reliefs and the same reasons. This Interim Application is disposed of in these terms.

2. After some arguments and on instructions, Mr Kurle seeks leave to withdraw the Writ Petition with liberty to pursue the alternative remedy including any appeal that might have already been filed.

3. Leave granted with liberty as prayed. All contentions are expressly kept open.

4. The Petition is disposed of in these terms. We have declined to continue the previous ad-interim order. That relief may be sought in the appellate forum.

29. Respondent No. 6, in paragraph No. 9 of its written submission, has submitted that although a Statutory Appeal under Section 4(3) of the Slum Act, 1971 was available to challenge the

declaration before the Slum Tribunal, the Petitioner did not exercise that remedy even after withdrawing the Writ Petition (L) No. 19288 of 2023.

30. Respondent No. 6 would therefore be justified in contending that the challenge to the 2006 Notification in this Petition would be barred. In addition, Respondent No. 6, by referring to the order dated 09.09.2021 passed by the CEO, SRA, submits that the Petitioner was aware of the 2006 Notification since 2021. This Petition is filed in the year 2024 (i.e., after 3 years), without any cogent explanation for the delay. Respondent No. 6 is on record to state that, in the interregnum, a Slums Scheme has been approved and 123 structures have been vacated and the Occupants are living on transit rent/in transit camps. Respondent No. 7 is on record to state that there are a total of 201 Occupants on the subject property and that at the time of LOI, 123 out of the 201 Occupants accorded their consent to the Slums Scheme, of which 84 are in transit camps and 38 are on transit rent.

31. The subsequent Notification dated 31.07.2022 issued under Section 4(1) of the Slum Act, 1971, by which the portion of the subject property admeasuring 880.43 sq. mtrs was declared a Slum Area was challenged by the Petitioner before this Court in Writ Petition No. 1578 of 2023. The said petition was dismissed on 21.03.2023, by

the following order:-

“1. The Petitioner has no locus whatsoever. He claims to be an occupant of one room in a chawl at village Kanheri, Taluka Borivali. He admittedly has no ownership interest in the land on which that chawl stands. The entire property, spread over several CTS numbers and admeasuring over an acre and a quarter, is the property of the 2nd Respondent which is developing the area as a slum project or a slum scheme. The challenge in the Petition is to an order of 30th November 2021 of the Maharashtra Slum Areas Tribunal. The Appeal was under Section 4(3) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act 1971 (“the Slum Act”). Before the Tribunal, the Petitioner assailed an order dated 27th July 2020 and sought to assail every action following a notice of 24th June 2020. The order of 27th July 2020 declared the property in question as a slum area.

2. The notification under Section 4(1) of the Slum Act was issued some time in the year 2006. This is undisputed. There were two chawls on the property, Ramanlal chawl and Mhatrewadi chawl. The remaining land was vacant. The argument before the Tribunal and now before us is that the parameters under Section 4(1) of the Slum Act were not considered.

3. There is no challenge to the Section 4 notification itself. It makes no difference that the Petitioner has challenged the notification before some other authority. But it is clear that the Section 4 notification was issued after the authority was satisfied that conditions existed on site warranting the declaration of an area and its notification as a slum area.

4. Importantly, the Slum Act contains provisions that makes it obligatory on the part of the owners to demonstrate that they have taken steps to keep the area in question free of slum-like conditions. The owner itself does not claim this. How an occupant of a room can do so is difficult to understand. This is apart from the fact that the occupant is of course not himself willing to contribute one naya paisa towards the development of the land or to keeping it free of slum-like conditions. The real intent of the Petition is clear which is to oppose the redevelopment and possibly to extract some benefit or gain out of it.

5. *We see no merit in the Petition. It is rejected.
There will be no order as to costs."*

(emphasis supplied)

32. In addition to the contention in respect of the 2006 Notification under Section 4(1) Notification, the Petitioner has challenged the order dated 09.09.2021 passed by the CEO SRA under Section 3C of the Slum Act, 1971 on merits.

33. Section 3C of the Slum Act, 1971 reads as follows:-

3C. Declaration of a slum rehabilitation area :-

(1) As soon as may be, after the publication of any Slum Rehabilitation Scheme, the Chief Executive Officer on being satisfied about the circumstances in respect of any land, whether or not previously declared as slum area, justifying its declaration as the Slum Rehabilitation Area which may include community economic activity area, for implementing the Slum Rehabilitation Scheme, shall after giving the land owners, including any public authorities or local bodies under the State Government constituted under any law enacted by the State Legislature, thirty days notice and after giving a reasonable opportunity of being heard, by an order published in the Official Gazette, and thereafter within forty-five days, declare such land to be a "Slum Rehabilitation Area". The order declaring the Slum Rehabilitation Area (hereinafter referred to as "the slum rehabilitation order"), shall also be given wide publicity in such manner as may be specified by the Chief Executive Officer of the Slum Rehabilitation Authority. Thereafter, notwithstanding anything contained in any law for the time being in force, in such Slum Rehabilitation Area, the permission or the No Objection Certificate of the land owning authority or agency shall not be required:

Provided that, only in respect of any land which is

required for Vital Public Project purpose, as per orders of the State Government and where the State Government either directly or through any public authority has undertaken the responsibility of relocation and rehabilitation of the protected and other occupiers of the building, then the Chief Executive Officer shall, exclude the land required for Vital Public Project from the Slum Rehabilitation Area and issue an order to omit such land from the Slum Rehabilitation Area. Where the State Government either directly or through any public authority has undertaken the responsibility of relocation and rehabilitation of the protected and other occupiers of the building, such public authority shall prepare the Scheme of such rehabilitation or relocation and get it approved by the Chief Executive Officer within the period specified in the Scheme which shall not be more than ninety days.

(2) Any person aggrieved by the order of the Chief Executive Officer may, within thirty days of the publication of such slum rehabilitation order, prefer an appeal to the Grievance Redressal Committee. The decision of the Grievance Redressal Committee in such appeal shall be final.

(3) On the completion of the Slum Rehabilitation Scheme, the Slum Rehabilitation Area shall cease to be such area.

34. The Hon'ble Supreme Court in the case of ***Kantabai Vasant Ahir v. Slum Rehabilitation Authority***¹⁷ has observed as follows :-

16. The main contention of the appellants is that 1045.50 sq m of land was not declared as a slum area under Section 4 of the Act which is sine qua non for initiation for proceedings under Chapter I-A of the Act. There is no dispute that the declared area is only to an extent of 4123 sq m. The entire area of 5168.50 sq m was declared as a slum rehabilitation area under Section 3-C which falls in Chapter I-A. As stated above, Section 3-D

¹⁷ (2019) 10 SCC 194

provides that Chapter II has no application to orders passed under Chapter I-A. Section 4(1) of the Act is in Chapter II. Therefore, it is not necessary that an area should be notified under Section 4 as slum area before proceedings under Chapter I-A are initiated. Hence, we do not agree with the appellants that a notification under Section 4 is a prerequisite for orders to be passed under Sections 3-C and 3-D of the Act.

35. The pronouncement in the case of *Kantabai Vasant Ahir* (supra) lays down that an order under Section 3C of the Slum Act, 1971 need not be preceded by a Notification under Section 4(1) of the Slum Act, 1971. In terms of Section 3C of the Slum Act, the CEO SRA is required to be satisfied that there are circumstances which justify the declaration of an area as a “Slum Rehabilitation Area”. Thus, the requirement is an examination of whether slum-like conditions prevail on the ground, which would justify the declaration of the area as a Slum Rehabilitation Area.

36. The Order dated 09.09.2021 passed by the CEO, SRA reads as follows :-

Through present application, the Applicant is seeking to declare the land Final Plot No. 62, 63, and 64, TPS III; Borivali, admeasuring 6104.63 sq. mtrs. as Slum Rehabilitation Area. According to the Applicant there are around 201 slum dwellers. It is contended by Applicant that the said land is owned by M/s. Vee Pée Constructions Pvt. Ltd. and they have entered into Joint Development Agreement with land owner on 15.02.2019. The name of M/s. Vee Pee Constructions Pvt. Ltd. duly entered into PR card of said land. The Advocate for Applicant submitted that there is slum since last several years and due to it the part portion admeasuring 5224 sq mtrs, was declared as Slum Area way back in the year 2006 and remaining

portion admeasuring: 880.43 sq. mtrs declared slum Area u/s 4(1) of the Maharashtra Slum Area (I, C & R) Act, 1971 on 31.07.2020.

The record reveals that after receiving the application the Deputy Collector/SRA has visited site. The report of Deputy Collector/SRA is on record. From said report it appears that there are slum structures at site and slum structures are located closely having no proper ventilation. The roads in said land are narrow. There are common toilets and water logging take place during rainy season. Due to said conditions the Deputy Collector/SRA has concluded that there are no hygienic conditions and the said slum may become source of danger to human life. Further he has observed that there are some dilapidated structures. During the hearing dated 20.07.2021, the directions were given to Executive Engineer/SRA to conduct site visit. The note of Executive engineer/SRA dated 12.08.2021 reveals that he has visited the site on 04.08.2021 and during his survey he found that the conditions for declaration of said land as Slum Rehabilitation Area exists at site.

The Respondents during the course of hearing as well as in written submissions have raised issue of title. They have also contended that there are names of lessee and imla malik in Revenue record. The Advocate for Applicant rightly argued that at this stage this Authority is not concerned with the issue of title and 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 Area (I,L & R) ACT, 1971.

It is strongly contended by Respondents that the land sought to be declared as Slum Rehabilitation Area is huge land and considering the number of structures on said land there is sufficient, open space, ventilation, as well as other basic amenities. It is not disputed by Respondents that there are common toilets. It is also admitted fact that major portion admeasuring 5224 sq. mtrs. is already declared as slum area in the year 2006 it appears that the said slum declaration is not challenged by anybody till date. Only the slum declaration under challenge is of 2020 for portion admeasuring 880.43 sq. mtrs. The Deputy

Collector/SRA as well as Executive Engineer/SRA have noticed that there is slum like situation and lack basic amenities. The Applicant has also submitted photographs of structures on said land alongwith written submission dated 27.07.2021. From these photographs it clearly appears that the toilets are common and not in hygiene condition. The pathway is narrow and lack of proper sunlight & ventilation. There is concurrent opinion of both these officers. This Authority do not find any reason to discard their opinion.

The Respondent No. 2 in her objection, dated 21.07.2021 submitted through Adv. Dhananjay Singh has alleged that the said land was acquired by her father late Laxman Mhatre during his lifetime and he was having 10 childrens. Further she has alleged that she has filed SC Suit No.336 of 2019 In Court for partition and separate possession. Unless and until her claim is settled no development should be allowed on said land. In present proceedings only the decision is to be taken regarding declaration of said land as Slum Rehabilitation Area and due to present proceedings the alleged claim of Respondent No. 2 shall not be adversely affected in any way.

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 Final Plot No.62, 63 & 64, TPS III Borivali admeasuring 6104.22 sq. mtrs, is hereby declared as Slum Rehabilitation Area u/s 3C(1) of the Maharashtra Slum Rehabilitation Areas (I C&R) Act, 1971.*

Dated : 9 SEP 2021

*SD/-
Chief Executive Officer
Slum Rehabilitation Authority*

37. The order dated 09.09.2021 is based on the Report of the Deputy Collector / SRA and the Executive Engineer / SRA, both of

whom have concurred that there are slum-like conditions at the site. Further, the Report notes that there are common toilets for the entire locality (9 toilets for 200 families), narrow roads, no proper ventilation, waterlogging during the monsoon and the photograph of the site showing unhygienic toilets, lack of sunlight, and lack of ventilation. The above are findings of fact given by the fact-finding authority. The Petitioner is unable to show any perversity in the said findings of the CEO SRA.

38. The AGRC, by order dated 28.06.2024, upheld the declaration of the subject property as a Slum Rehabilitation Area under Section 3C of the Slum Act, 1971, passed by the CEO SRA in his order dated 09.09.2021. For the reason recorded above, we do not find any error in the exercise of jurisdiction by the AGRC in the order dated 28.06.2024.

39. The Respondents have specifically raised the issue that the Petition does not contain a prayer challenging the order dated 28.06.2024. An attempt was made by the Petitioner to rely on prayer clause (g) of the Petition to contend that the order dated 28.06.2024 is under challenge. The said prayer clause (g) pertains to and is couched in terms of interim relief. In the absence of a specific challenge to the order dated 28.06.2024 being raised by the Petitioner, the Respondents would be justified in their objection.

40. The contentions of the Petitioner with regard to its members being lawful tenants and not encroachers are liable to be rejected on the ground that at the stage of Section 3C of the Slum Act, 1971, the issue of tenancy / encroacher is wholly irrelevant. This Court in the case of ***Maharashtra State Textile Corporation Vs. State of Maharashtra***¹⁸ has observed in Paragraph No. 10 as under :-

"10... The question is not if the members of the slum society are encroachers or tenants. They may be either, or some combination. The declaration or notification of a slum speaks to the existence of statutorily recognized slum-like conditions at site, not whether the individuals are tenants or encroachers. But it is entirely certain that whether tenants or encroachers, the members of the society and the society itself are not the owners of the land. If the owner has a pre-emptive right to self redevelop, it is not for the society to nominate private entities to oust the rights of the owner or to defeat the pre-emptive or preferential rights".

41. At Exhibit – N (page No. 125) is the “Annexure -II” which sets out the list of Occupants on the subject property, the area of their current structure and whether they are eligible/ineligible for the purpose of Slum Scheme. The said document is not questioned by the Petitioner. The Petitioner has not produced any documents in support of its claim that the Respondent No. 6 had allegedly constructed 45 new structures of 5 x 5 sq. ft. In view of the same, we are unable to accept the contentions of the Petitioner relating to the need for an inquiry for clarification as to whether the Respondent has constructed 45 new structures.

18 Writ Petition No. 1453 of 2017 decided on 20.03.2024

42. Indisputably, 123 families have vacated the subject property, 84 have shifted in transit camps and 38 are on transit rent. 122 structures on the subject property have been demolished. As rightly submitted by the learned Advocate for the Respondents, the Rehabilitation Scheme is being delayed due to the Petitioner, leaving the said families without a roof over their heads. The Respondent No. 6 is on record to state that if eligible, the members of the Petitioner Association would be entitled to the alternate premises provided in terms of the Slum Act.

43. For the reasons recorded herein above, we do not find any merit in this petition. As such, **this Writ Petition is dismissed**. Rule is discharged. There shall be no orders as to costs.

44. Considering the reasons recorded in the foregoing paragraphs, and Paragraph Nos.13 and 24 in particular, we do not find any merit in the contentions of the Petitioner in support of their Interim Application (L) No. 25524 of 2025 filed u/s 340 of the Cr.P.C. The same is, therefore, rejected.

45. All pending Interim Applications are disposed of.

[ASHWIN D. BHOBE, J.]

[RAVINDRA V. GHUGE, J.]

46. At this juncture, the learned Advocate for the Petitioner prays that this Judgment may be stayed for two weeks.

47. The learned Advocates for the Respondents oppose the request on the ground that a minuscule percentage of persons are truncating the entire Scheme.

48. We have dealt with all the contentions of the Petitioner and the Respondents in an extensive Judgment. We do not find any reason to accept the request of the Petitioner and the same, therefore, stands rejected.

[ASHWIN D. BHOBE, J.]

[RAVINDRA V. GHUGE, J.]

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