



2-PIL-2023-2024

2024:BHC-OS:15160-DB

Jvs.

JAYANT
VISHWANATH
SALUNKE

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JAYANT VISHWANATH
SALUNKE

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

**PUBLIC INTEREST LITIGATION NO. 109 OF 2019
WITH
PUBLIC INTEREST LITIGATION NO. 83 OF 2019
WITH
WRIT PETITION NO. 1292 OF 2018
AND
INTERIM APPLICATION NO. 3179 OF 2023**

**Vijendra Kumar Rai } Petitioner
versus
State of Maharashtra & Ors. } Respondents**

**WITH
CONTEMPT PETITION (L) NO. 3760 OF 2023**

**Vijendra Kumar Rai } Petitioner
Versus
Chief Executive Officer, SRA } Respondent**

Ms. Rebecca Gonsalves, *Amicus Curiae* in PIL
109/2019, CONPPL 3760/2023, PIL 83/2019,
WP 1292/2016.

Mr. Vijendra Kumar Rai - Petitioner in person
in PIL 109/2019, CONPPL 3760/2023, PIL
83/2019, WP 1292/2016.

Mr. Sukanta Karmakar, AGP a/w. Mr. L. T.
Satelkar, AGP for State in PIL 109/2019 and
CONPPL 3760/2023.

Mr. Sukanta Karmakar, AGP for State in PIL
83/2019.

Mr. Sukanta Karmakar, AGP a/w. Mr. Amit
Shastri, AGP for State in WP 1292/2016.

Ms. Geeta R. Shastri a/w. Mr. Amit Shastri for
Respondent No.1 to 3-SRA in WP 7443/2023.



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Mr. Ativ Patel I/b. AVP Partners for Respondent No.21 in PIL 109/2019.

Mr. Y. R. Mishra a/w. Mr. D. P. Singh for Respondent No.22 in PIL 109/2019.

Mr. Jagdish G. Aradwad (Reddy) for Respondent Nos.13 to 16 in PIL 109/2019 and for Respondent No.7 to 13 in WP 1292/2018.

Mr. A. Y. Sakhare, Senior Advocate a/w. Mr. Vijay D. Patil for Respondent No.6 in PIL 109/2019 and for Respondent Nos.1 and 2 in CONPPL 3760/2023.

Mr. Jamshed Master a/w. Mr. Jayesh R. Vyas, Kinjal Kokkad, Sandeep Dhangar for Respondent No.17 in PIL 109/2019.

Dr. Milind Sathe, Senior Advocate with Mr. Bhushan Deshmukh, Mr. Shakeeb Shaikh, Mr. Aftab Diamondwala, Mr. Pradeep Jain, Asfiya Diamondwala and Mr. Haaris Reshmwala I/b. Diamondwala & Co. for Respondent Nos.9 to 16 in PIL 109/2019.

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ.
& ARIF S. DOCTOR, J.**

DATE: 26th SEPTEMBER 2023

P.C.:

- 1.** Affidavit in reply filed by respondent no. 6 is taken on record.
- 2.** In compliance of the order dated 30th August 2023, the Advocate Commissioners have submitted their report. Let objections/reply to the said report, if any, be filed by the parties concerned.



3. Vide our order dated 30th August 2023, we had required the Slum Rehabilitation Authority (SRA) to file affidavit on certain issues spelt out in the said order itself. In the affidavit filed by the SRA, however, we find the averments made to be vague/insufficient and accordingly, we direct that the competent authority of the SRA shall file a better affidavit mentioning all the facts and figures, as has been required vide our order dated 30th August 2023.

4. Let the learned *Amicus Curiae* tender a note in reply to the affidavit filed by SRA, respondents 9 to 16 and also to the report submitted by the Advocate Commissioners. Learned counsel for respondent no. 17 is permitted to file affidavit in reply by the next date of listing.

5. Having noticed the affidavits filed by the developers, namely, respondents 9 to 16 as also the affidavit filed by the SRA, we are of the opinion that adequate steps are not being taken by the SRA though under the scheme of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, adequate mechanism is available with the authorities of the SRA to ensure that interest of the slum dwellers and others is protected. One of the major areas where the SRA needs to pay attention is non-payment of transit rent to the slum dwellers and disposal of complaints in this regard within some stipulated period of time. Such inaction on the part of the authorities of SRA cannot be approved of.

6. Though, in the affidavit filed today, the SRA has admitted that the circular dated 1st August 2023 is applicable to the ongoing projects as well, however, it appears that



enough and adequate steps are not being taken by the SRA to implement the said circular in its letter and spirit. At this juncture, learned senior counsel appearing for the SRA, on instructions, submitted that whenever any permission to a developer is granted even in respect of ongoing projects, the condition that they have to make a deposit of 2 (two) years' rent along with post-dated cheques as also the amount of arrears, is being strictly adhered to.

7. We, thus, direct that such conditions, as mentioned in the circular dated 1st August 2023, shall be insisted upon and no permission shall be granted to the developers unless such conditions are fulfilled. Breach of any of the conditions as detailed in the circular dated 1st August 2023 shall be viewed seriously by the Court.

8. The affidavits in terms of this order shall be filed by the SRA and the developers within a period of 3 (three) weeks after serving a copy thereof to the learned *Amicus Curiae*, who shall tender her note/comments to the Court by the next date of listing of the matter.

9. Mr. Rai, the petitioner-in-person intends to file some affidavit furnishing some relevant information to the Court, which may have bearing on the issue involved in this PIL petition. He is permitted to do so.

10. Stand over to 1st November 2023.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)