

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION (L) NO.19059 OF 2025**

Star Construction ...Petitioner  
Vs  
The State of Maharashtra & Ors. ...Respondents

**AND**

**WRIT PETITION NO. 2419 OF 2025**

Mahavirdham Co-op. Hsg.Scty (Proposed) & Anr. ...Petitioners  
Vs  
The State of Maharashtra & Ors. ...Respondents

**AND**

**WRIT PETITION (L) NO.21733 OF 2025**

Ashok Nagar Rahivashi & Vyapari Co-op. Hsg.  
Society (Prop) ...Petitioner  
Vs  
The State of Maharashtra & Ors. ...Respondents

**AND**

**WRIT PETITION (L) NO.19980 OF 2025**

Ajit Nagar SRA Co-op.Hsg.Scty. Ltd. ...Petitioner  
Vs  
The State of Maharashtra & Ors. ...Respondents

Mr. Vikramjit Garewal i/b Mr. Kripashankar A. Dubey for Petitioner in WP/2419/2025.

Mr. Pravin Samdani, Sr. Adv. a/w Mr. Arun Panickar, Mr. Milind Nar, Ms. Pinki Yadav, Mr. Mandar Joshi i/b Mr. Milind Nar for Petitioner in WPL/19059/2025.

Mr. Girish S. Godbole, Sr. Adv. a/w Mr. Mayur Khandeparkar, Mr. Nitin G. Raut, Mrs. G. P. Vas and Ms.Sunita Serrao i/b P. Vas & Co. For Petitioner in WPL/21733/2025 and for R. No. 4 & 5 in WPL/19059/2025.

Mr. Mayur Khandeparkar a/w Mr. Aditya Miskita, Mr. Nivit Srivastava, Mr. Yash Chheda, Mr. Rohit Bamne and Mr. Bhavya R. Shah, Ms. Samita Hadkar i/b Maniar Srivastava Associates for Petitioner in WPL/19980/2025.

Dr. Birendra Saraf, A. G. a/w Mr. Vaibhav Charalwar, 'B' Panel Counsel, Mr. Prashant Kamble, AGP for State in WP/2419/2025.

Dr. Birendra Saraf, A. G. a/w Mr. Vaibhav Charalwar, 'B' Panel Counsel, Ms.

Jaymala Ostwal, Addl. G. P. for State in WPL/2419/2025.

Ms. Varsha Sawant , AGP for Stae in WPL/19980/2025.

Mr. S. B. Gore, AGP for State in WPL/21733/2025.

Ms. Meena Dhuri i/b Ms. Komal Punjabi & Ms. S. V. Tondwalkar for BMC in WP/2419/2025.

Ms. Meena Dhuri i/b Ms. Komal Punjabi and Ms. Rupali Adhate for BMC in WPL/19059/2025, WPL/21733/2025 and WPL/19980/2025.

Mr. Sachin Dudhbhate, Sub. Eng. ( SR Cell)

Mr. Prakash Sonawane, Sub Eng. Estate Dept.

Dr. Milind Sathe, Sr. Adv. a/w Ms. Ravleen Sabharwal a/w Mr. Prakhar Tandon, Ms. Aarushi Yadav, Mr.Somesh Pathak i/b R. S Justicia Law Chamber for R. No. 4 To 6, SRA in WP/2419/2025.

Ms. Ravleen Sabharwal a/w Mr. Prakhar Tandon, Ms. Aarushi Yadav, Mr. Somesh Pathak i/b R. S Justicia Law Chamber for R. No. 3, SRA in WPL/21733/2025 and WPL/19059/2025 for R. No.4 & 5 inWPL/19980/2025 and for R. No. 7 AGRC in WP/2419/2025.

**CORAM:** **G. S. KULKARNI &  
ARIF S. DOCTOR, JJ.**

**DATE:** **31<sup>st</sup> JULY 2025.**

**P.C.**

1. We have heard the present proceedings for some time. The first petition (*Star Construction Vs. The State of Maharashtra & Ors.*) is filed by the developer who has been appointed by the slum dwellers society to undertake redevelopment in respect of a slum which is on the public land belonging to the Mumbai Municipal Corporation (for short '**the Municipal Corporation**'). The other writ petitions are filed by the societies of slum dwellers.

2. At the outset, we may observe that the rights of this petitioner (developer), if any, are contractual rights created under a development agreement entered between the co-operative society of the slum dwellers and the petitioner (developer). It is difficult to accept that any substantive legal rights are conferred on the developer, so as to have a locus in the developer to maintain the prayers as made in the petition, more particularly when a challenge as raised in this petition

is to the Government Resolution dated 28 March 2025 (**impugned G.R.**) issued by the Government of Maharashtra in exercise of powers under Section 154(1) of the Maharashtra Regional and Town Planning Act, 1966 (for short 'the **MRTTP Act**'). In exercise of the aforesaid powers, the impugned GR has been issued in public interest, which is to the effect that, insofar as the lands of the ownership of the Municipal Corporation inundated with slums are concerned (by virtue of encroachments if not otherwise), for the purpose of their redevelopment, the "Municipal Corporation" which is otherwise a planning authority for the Greater Mumbai Region, has been recognized to be the 'slum rehabilitation authority', for such slum areas, in substitution of the Slum Rehabilitation Authority constituted under the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (for short 'the **Slums Act**').

3. Section 154 of the MRTTP Act is the substantive power conferred on the State Government to be exercised in the larger public interest under which the impugned GR has been issued. Section 154 of the MRTTP Act reads thus:

**"Section 154. Control by State Government.**

[(1) Notwithstanding anything contained in this Act or the rules or regulations made thereunder, the State Government may, for implementing or bringing into effect the Central or the State Government programmes, policies or projects or for the efficient administration of this Act or in the larger public interest, issue, from time to time, such directions or instructions as may be necessary, to any Regional Board, Planning Authority or Development Authority and it shall be the duty of such authorities to carry out such directions or instructions within the time-limit, if any, specified in such directions or instructions.

(2) If in, or in connection with, the exercise of its powers and discharge of its functions by any Regional Board, Planning Authority or Development Authority under this Act, any dispute arises between the Regional Board, Planning Authority or Development Authority, and the State Government, the decision

of the State Government on such dispute shall be final.”

4. To appreciate the nature of the impugned GR, the same is required to be extracted, which reads thus:

**“Official Translation of Government Resolution dated 28 March 2025.**

Directions under Section 154 (1) of the Maharashtra Regional and Town Planning Act, 1966.

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**To confer the powers to the Commissioner, Brihanmumbai Municipal Corporation, which are conferred upon the Slum Rehabilitation Authority in the capacity of Planning Authority for the areas under the Slum Rehabilitation Schemes on the lands of the ownership of the Municipal Corporation within the limits of the Brihanmumbai Municipal Corporation.**

GOVERNMENT OF MAHARASHTRA  
 URBAN DEVELOPMENT DEPARTMENT  
 Number : TPB – 4319/M.No.188 (Part-2)/2019/U.D.-11  
 Mantralaya, Mumbai 400032.  
 Date: 28/03/2025

GOVERNMENT RESOLUTION

**Read:-** Letter bearing No. MCP/6250 dated 04/07/2024 from the Commissioner, Brihanmumbai Municipal Corporation to the Urban Development Department of the Government.

**PREFACE:-**

As per Section 2(19) of the Maharashtra Regional and Town Planning Act, the Slum Rehabilitation Authority has been given the status as Planning Authority for implementing Slum Rehabilitation Schemes on the area declared as a Slum under Section 3(C) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971. The Slum Rehabilitation Authority is not a local Authority and thus, it is the obligatory duty of the Brihanmumbai Municipal Corporation, being the Local Authority for the areas within the limits of Brihanmumbai Municipal Corporation to provide basic infrastructure for the people in general.

Most of the areas within the limits of Brihanmumbai Municipal Corporation to be developed, are occupied by slums

and the Slum Rehabilitation Authority has been given the powers under section 2(19) of the Maharashtra Regional and Town Planning Act, as the Planning Authority for implementing Slum Rehabilitation Schemes on all other declared areas occupied by slums, including the land of the ownership of the Municipal Corporation. However, being the Local Authority, it is the obligatory duty of the Brihanmumbai Municipal Corporation to provide basic infrastructure for all such areas and the main source of the funds required by the Municipal Corporation for providing the said infrastructure, is the development fees being charged for granting permission to carry out development under the provisions of the Maharashtra Regional and Town Planning Act. However, there is a scarcity of funds required by the Municipal Corporation for the said purpose. Such facts have been mentioned in the letter from the Brihanmumbai Municipal Corporation referred to hereinabove and under the above referred letter, the Municipal Corporation has requested the Urban Development Department of the Government of Maharashtra to delegate to the Brihanmumbai Municipal Corporation, the powers of Slum Rehabilitation Authority conferred upon it for implementing Slum Rehabilitation Schemes for the areas under 64 Slum Rehabilitation Schemes mentioned in the Appendix appended to the above referred letter from the Municipal Corporation, apart from the Slum Rehabilitation Schemes which are underway by the Slum Rehabilitation Authority on the lands of the ownership of the Municipal Corporation situated within the limits of Brihanmumbai Municipal Corporation. Accordingly, as the aforesaid facts mentioned by the Brihanmumbai Municipal Corporation in the above referred letter and the point mentioned by the Municipal Corporation that the Brihanmumbai Municipal Corporation is the Local Authority for the areas within the limits of Brihanmumbai Municipal Corporation and that the burden of providing basic infrastructure for the people in general falls on the Municipal Corporation, are in accordance with the facts and therefore, with a view to see that the Slum Rehabilitation Schemes on the lands of the ownership of the Municipal Corporation are implemented systematically and speedily, the issue to delegate to the Brihanmumbai Municipal Corporation, the powers conferred upon the Slum Rehabilitation Authority for implementing Slum Rehabilitation Schemes on the lands of the ownership of the Municipal Corporation, occupied by slums, was under consideration of the Government.

In view thereof, the Directions under Section 154(1) of the Maharashtra Regional and Town Planning Act, are given as under :-

#### **DIRECTIONS**

**i) As per the provisions of Section 2(19) of the Maharashtra Regional and Town Planning Act, 1966, the Slum Rehabilitation**

Authority has been given a status as a Planning Authority to implement a Slum Rehabilitation Scheme on the area declared as a Slum under Section 3(c) of the Maharashtra Slum (Improvement, Clearance and Redevelopment) Act, 1971. Although it is so, the Commissioner of the Brihanmumbai Municipal Corporation is delegated with the powers that are available to the Slum Rehabilitation Authority in the capacity as Planning Authority, for the areas owned by the Brihanmumbai Municipal Corporation, covered under approximately 64 Slum Rehabilitation Schemes mentioned in the Appendix appended to the Municipal Corporation's letter under the reference, and accordingly, the Brihanmumbai Municipal Corporation shall be the Planning Authority for the said areas.

ii) In order to implement/carry out the Slum Rehabilitation Schemes on the lands mentioned in the aforesaid Paragraph (i), the Commissioner, Brihanmumbai Municipal Corporation shall have the powers that are available to the Chief Executive Officer, Slum Rehabilitation Authority under the Development Control and Promotion Regulations for Greater Mumbai, 2034.

**NOTE:** Except the 64 Slum Rehabilitation Schemes mentioned hereinabove, the aforesaid Orders shall not be applicable to those Slum Rehabilitation Schemes on the lands owned by the Brihanmumbai Municipal Corporation to which the Slum Rehabilitation Authority has granted its permission and those are underway.

By Order and in the name of the Governor of Maharashtra.

[Nirmalkumar P. Chaudhari]  
Deputy Secretary,  
Government of Maharashtra.

To,

1. The Commissioner, Brihanmumbai Municipal Corporation, Mahapalika Main Building, Fort, Mumbai -1.
2. Chief Executive Officer, Slum Rehabilitation Authority, Bandra East, Mumbai – 51.

**Copy to:-**

1. Director, Town Planning, Maharashtra State, Pune.
2. Deputy Director, Town Planning, Brihanmumbai, Mahapalika Marg Mumbai -1.
3. Select File (UD-11).”

(emphasis supplied)

5. Thus, the consequence which would be brought about by the impugned G.R. is that insofar as the lands which are of the “ownership” of the Municipal Corporation having slums, the ‘planning authority’ for redevelopment of the slums would be the Municipal Corporation. Thus, in no manner whatsoever, the redevelopment of the slums or entitlement of the slum dwellers to a tenement under the slum scheme to be implemented by the Municipal Corporation under the provisions of the Development Control Regulations namely under Regulation 33(10) of the “Development Control and Promotion Regulations for Greater Mumbai, 2034” (for short ‘**DCPR 2034**’) in no manner would stand diluted. In any event the only right of the slum dwellers would be that they are entitled to be rehabilitated. Such right would remain undisturbed under the redevelopment which would now happen at the hands of the Municipal Corporation.

6. In any event, the Municipal Corporation *per se* under the provisions of Section 2(15) read with Section 2(19) of the MRTP Act, is the planning authority for the Greater Mumbai region, hence, what has been ordered under the Government Resolution dated 28 March 2025 is to recognize such authority of the Municipal Corporation as a planning authority in respect of the slum lands belonging to and/or of the ownership of the Municipal Corporation. In other words, the ‘Slum Rehabilitation Authority’ as constituted under the Slums Act would not be the Slum Rehabilitation Authority for these lands of the Municipal Corporation and the “Competent Authority” to discharge such obligations would be the Municipal Commissioner of the Municipal Corporation. In this context,

the definitions of the ‘Local Authority’ and ‘Planning Authority’ as defined under Section 2(15) and 2(19) of the MRTP Act as referred in the impugned GR also needs to be noted, which reads thus:

**“Section 2 Definitions**

... ..

(15) **“local authority”** means-

(a) the Bombay Municipal Corporation constituted under the Bombay Municipal Corporation Act or the Nagpur Municipal Corporation constituted under the City of Nagpur Corporation Act, 1948, or any Municipal corporation constituted under the Bombay Provincial Municipal Corporations Act, 1949.

... ..

[(19) **"Planning Authority"** means a local authority; and shall include,-

(a) a Special Planning Authority constituted or appointed or deemed to have been appointed under section 40; and

(b) in respect of the slum rehabilitation area declared under section 3C of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, the Slum Rehabilitation Authority appointed under section 3A of the said Act;]

7. In such context, we may also refer to the relevant provisions of the Slums Act which defines ‘Competent Authority’ under Section 2(c) which means a person or body appointed to be the Competent Authority under Section 3 which includes ‘local authority’ as Section 3 of the Slums Act would provide. Section 2(c) and Section 3 of the Slum Act read thus:

**“Section 2 Definitions**

... ..

(c) **“Competent Authority”** means a person or body appointed to be the Competent Authority under section 3;

... ..

**Section 3 Appointment of Competent Authorities.**

(1) The State Government may, by notification in the ‘Official Gazette, appoint any person, to be the Competent Authority for the purposes of the Act, for such areas as may be specified in the notification.

(2) Where any body corporate (including a local authority) is appointed to be the Competent Authority, then the

powers and functions of the Competent Authority under this Act shall, subject to such restrictions and conditions as the Competent Authority may impose in this behalf, be exercised and performed on behalf of such body corporate [by such officer of the concerned Competent authority, as such Authority, by general or special order issued in this behalf, appoints.].  
(emphasis supplied)

8. It is on such backdrop, the Municipal Corporation has proceeded under the Government Resolution dated 28 March 2025 issued under Section 154(1) of the MRTP Act, to exercise powers as the Slum Rehabilitation Authority qua the municipal lands.

9. It appears that there are about 64 lands belonging to the Municipal Corporation declared as slums and which would be now subject matter of redevelopment by the Municipal Corporation being the Planning Authority. It is only in respect of one slum, the developer and a co-operative society formed by the slum dwellers both are before the Court in Writ Petition (I) No. 19059 of 2025 (Star Construction Vs. The State of Maharashtra & Ors.) and in Writ Petition (I) No.21733 of 2025 (Ashok Nagar Rahivashi & Vyapari Co-op. Hsg. Society (Prop) vs. The State of Maharashtra & Ors.) respectively. Two other societies of the slum dwellers in Writ Petition No.2419 of 2025 (Mahavirdham Co-op. Hsg. Scty (Proposed) & Anr. Vs. The State of Maharashtra & Ors) and Writ Petition (I) No.19980 of 2024 (Ajit Nagar SRA Co-op. Hsg. Scty. Ltd. Vs. The State of Maharashtra & Ors.) are before the Court raising a similar challenge. Thus, only in regard to three slums out of total 64 schemes of the Municipal Corporation, these three parties are before the Court.

10. As clearly seen, the canvass of the Government Resolution is in respect of

large number of municipal lands. It is on such backdrop the Municipal Corporation has proceeded to invite 'expression of interest' in a pattern of public-private partnership to redevelop these municipal slums. In our opinion, a robust and transparent approach in regard to slum redevelopment qua the municipal lands is being adopted, with conditions preserving public interest in the work in question. It is this action which is being challenged by the developer and the slum dwellers society.

11. Today on behalf of the petitioners in the writ filed by the developer – Star Construction, as urged by Mr. Samdhani, learned Senior Counsel appearing for the petitioner/developer the interim prayer is for a stay on the further steps being taken by the Municipal Corporation, on the tender process (Expression of Interest). Such prayer is made when Dr. Saraf, learned Advocate General who represents the State Government requested for some time to place on record a reply affidavit, which he stated, can be filed by 12 August 2025 and the proceedings can be taken up immediately thereafter. We were accordingly inclined to adjourn the proceedings to be listed on 14 August 2025. However, as Mr. Samdhani would pray for an ad-interim relief of a stay on the tender process as noted hereinabove. We have heard learned counsel for the parties on the appropriate orders to be passed at this stage of the proceedings.

12. We are not inclined to accept the request of Mr. Samdhani, to grant any ad-interim order on his petition and stay the tender process and/or expression of interest, as invited by the Municipal Corporation considering the facts and circumstances of the case. The reason being more than one. In our prima facie

opinion, on first principles the Municipal Corporation itself being the owner of the lands in question i.e. the land being a public land, and the Municipal Corporation now under the impugned GR dated 28 March 2025, having become the planning authority to redevelop and/or rehabilitate the slum dwellers, would now develop its own land in a fair, open and transparent manner. Thus, the developer appointed by the slum dwellers society, in our *prima facie* opinion, can have no locus whatsoever, so as to stall the tender process being undertaken by the respondent-Corporation in respect of its own land. The developer *per se* would not have any right except the contractual rights as conferred by the slum dwellers. Certainly there would not be legal rights so as to assert, as to who should be the statutory authority /planning authority, qua the redevelopment of a slum on the municipal land.

13. Prima facie even the slum dwellers who have formed a society and who are before the Court, can have no locus to stall the process as their entitlement would be merely to have a rehabilitation in a slum tenement which would be offered to them under the redevelopment scheme, now being adopted by the Municipal Corporation.

14. One of the contentions as urged by Mr. Samdhani in support of his prayer for ad-interim relief is that the State Government cannot exercise power under Section 154 of the MRTP Act which would have the effect of amending the D.C. Regulations. In our prima facie opinion, such contention is untenable and most importantly when being urged by a developer, apart from the fact that in law it has no legs to stand. Insofar as the slum redevelopment is concerned, now

the Municipal Corporation steps into the shoes of the planning authority i.e. Slum Rehabilitation Authority and the redevelopment would be undertaken as per the extant Regulations [DCPR 33(10)] on which there cannot be any quarrel. Whatever the slum dwellers would be entitled under the provisions of Regulation 33(10) would now be provided for by the Municipal Corporation and the developer appointed by the Municipal Corporation. Thus, there is no disadvantage whatsoever to the slum dwellers in their entitlement to receive tenements in rehabilitation. Hence, such contention in any event cannot be accepted.

15. It clearly appears that the only reason on which the petitioner-developer is aggrieved is that the Municipal Corporation would now undertake redevelopment of the slums by appointing a developer in a open bidding process qua the Municipal Corporation's land. This is not and cannot be alien to the existing requirements of law, that the owner of the land would have a first option / pre-emptory right to undertake redevelopment. Merely for the reason, some of the owners of the slum land do not come forward or default in claiming the first right to redevelopment, and in such situation the society of slum dwellers appointing a slum developer, cannot be a comparable instance, to oust the rights of the Municipal Corporation to undertake redevelopment of its own land under Regulations 33(10) of the Development Control and Promotion Regulations for Greater Mumbai, 2034. It was also available for any developer to participate in the tender process as invited by the Municipal Corporation.

16. In fact our experience would show that the slum dwellers would be in a

better position in the event the slum redevelopment and rehabilitation is undertaken in a more transparent and robust manner as being undertaken by the Municipal Corporation. The slum dwellers would be under the statutory umbrella of the Municipal Corporation and would be appropriately rehoused as per law, as a public authority like the Municipal Corporation, would be undertaking redevelopment, and certainly the slum dwellers would not be at the mercy of private developers in respect of their permanent alternate accommodation, or so many other drawbacks faced in such schemes being undertaken by developers appointed by the slum societies. On the stringent conditions as set out in the tender document, a developer being appointed in a transparent manner by the Municipal Corporation, there would be more accountability/responsibility on the part of the developer as appointed, who would be required to discharge its obligation under the rules and the statutory framework under the orders and directives of the Municipal Commissioner in undertaking the scheme and complete the same effectively. This would also avoid the slum dwellers being constrained to litigate against the developers.

17. In these circumstances, there is no question of the developer or even the slum dwellers asserting any rights as to select the planning authority. The law would not confer any such right on the slum dwellers much less the developers.

18. In the aforesaid circumstances, we reject the prayers of the petitioner for any ad-interim reliefs.

19. The State Government to file its reply affidavit by 12 August 2025, and a copy of the same be served on all the parties. The proceedings be kept for further

hearing on **14 August 2025**. (HOB).

20. At this stage Dr. Sathe, learned Counsel appearing for SRA states that the proceedings instead of 14 August 2025 be taken on 18 August 2025. None has objection.

21. Accordingly, we list the proceedings on **18 August 2025**.(HOB)

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)