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

VASANT
ANANDRAO
IDHOL

WRIT PETITION (L) NO.40099 OF 2025

Parag S. Satan ...Petitioner
V/s.
The State of Maharashtra & Ors. ...Respondents

Mr.Mohan Pillai with Mr.Prasad N. Thonse for the Petitioner.

Ms.Pushpa Yadav for the Respondent – BMC.

Mr.Satyam Ladage, AE (BF) T Ward Officer present in Court.

Mr.Ravleen Sabharwal with Mr.Prakhar Tandon , Ms.Arushi
Yadav and Mr.Aatish Tayade for the Respondent – SRA.

Mr.Suraj Gupte, AGP for the Respondent – State.

Mr.A.P. Steenson i/b APS Law Associates for Respondent No.4.

Mr.Yash Momaya with Mr.Utkarsh Sanadi i/b Mr.Utkarsh Sanadi
for Respondent No.5.

CORAM : G.S. KULKARNI &
AARTI SATHE, JJ.
DATE : 16TH FEBRUARY, 2026.

P.C. :-

1. Let affidavit in reply to the Petition be placed on record
within a period of two weeks from today, as the case of the

Petitioner is that Respondent No.4 – Niranjana Apartment Co-operative Housing Society Limited is the owner of the land, as also the building on the land, which is being now considered to be a slum, without the same being notified as a slum, is being made subject matter of a slum scheme under the impugned LOI dated 6th January, 2025 issued by the Slum Rehabilitation Authority. It is the Petitioner's submission that this would be fundamentally illegal, even if Respondent No.4 / Society agrees to submit to the jurisdiction of the Slum Rehabilitation Authority (SRA) for the reasons that in law the SRA would inherently lack jurisdiction to include the Society's land under a SRA scheme, including considering the provisions of Regulation 33 (11) of DCPR, 2034, which are purportedly being invoked.

2. *Prima-facie*, we find substance in the contentions as urged on behalf of the Petitioner, as it appears to be an admitted position that Respondent No.4 is the owner of the land, which is not notified to be the slum area, hence as to how it can be included in a slum scheme usurping the rights of the society is the question. *Prima-facie*, it appears that merely because the adjoining

land is being developed as a slum, this would not bring about a consequence that the Petitioner's land which is a private land forms part of any slum rehabilitation scheme without the same being within the jurisdiction of the Slum Rehabilitation Authority.

3. Accordingly, the *ad-interim* order granted earlier shall continue to operate. Also development insofar as the land belonging to Respondent No.4 is concerned, shall not be proceeded and the same shall remain stayed, till further appropriate orders are passed on this Petition.

4. It is also clarified that in the event the structures and building belonging to Respondent No.4 is dilapidated, all the occupants therein shall occupy the same at their own risks and consequences and in the event of any untoward incident of a collapse; the occupants as also the Society shall not hold the Municipal Corporation or the Slum Rehabilitation Authority or any third parties liable for any civil or criminal action.

5. Stand over to 9th March, 2026. To be placed high on board.

(AARTI SATHE, J.)

(G.S. KULKARNI, J.)