



**SLUM REHABILITATION AUTHORITY**

**BEFORE THE CHIEF EXECUTIVE OFFICER,  
SLUM REHABILITATION AUTHORITY**



Radha Leela Charitable Trust,  
CTS No.79/A(pt), 79/A/1 to 3, 79/B,  
80(pt), 80/1 to 11, 81(pt), 81/1 to 7,  
82(pt), 82/1 to 3, 83(pt), 83/1 to 8,  
84(pt), 84/1, 84/2/A & 84/2/B of  
Village Pahadi Eksar, Mumbai Suburban District,  
Sonawala Cross Road, Goregaon (East),  
Mumbai - 400 063

... Applicant

V/s

1. Mr. Bupesh Ranchhodbhai Nayak,  
Room No.3, Nayak Chawl, Samantwadi,  
Sonawala Road, Opp. New Post Office,  
Goregaon (East), Mumbai - 400 063
2. Mr. Ramesh Jinabhai Naik,  
Room No.12, Gopal S. Chawl,  
Samantwadi Sonawala Road,  
Opp. New Post Office, Goregaon (East),  
Mumbai - 400 063
3. Mr. Ashok Shankarbhai Desai,  
4/198, Desai Chawl, Samantwadi Sonawala Road,  
Opp. New Post Office, Goregaon (East),  
Mumbai - 400 063
4. Assistant Municipal Commissioner, P/S Ward,  
MCGM, CTS No.746, Village Pahadi,  
S.V. Road, Goregaon (West),  
Mumbai - 400 104

... Respondents/  
objectioners

**Sub.: Proceedings u/s 3C(1) of Maharashtra Slum Areas (I, C & R) Act,  
1971.**

## ORDER

(Passed on - )

These proceedings are initiated pursuant to application of Applicant i.e. Radha Leela Charitable Trust dated 21.03.2022 for declaration of land bearing CTS No.79/A(pt), 79/A/1 to 3, 79/B, 80(pt), 80/1 to 11, 81(pt), 81/1 to 7, 82(pt), 82/1 to 3, 83(pt), 83/1 to 8, 84(pt), 84/1, 84/2/A & 84/2/B of Mauje - Pahadi Eksar, Taluka - Borivali, admeasuring 3628.00 sq. mtrs. as "Slum Rehabilitation Area" u/s 3C(1) of the Maharashtra Slum Areas (I, C & R) Act, 1971. In brief the facts which lead to the present proceedings are as under;

### FACTS IN BRIEF

The Applicant submitted the present application u/s 3C(1) of the Maharashtra Slum Areas (I, C & R) Act, 1971 in respect of CTS No.79/A(pt), 79/A/1 to 3, 79/B, 80(pt), 80/1 to 11, 81(pt), 81/1 to 7, 82(pt), 82/1 to 3, 83(pt), 83/1 to 8, 84(pt), 84/1, 84/2/A & 84/2/B of Mauje - Pahadi Eksar, Taluka - Borivali, admeasuring 3628.00 sq. mtrs. Alongwith application the Applicant submitted copies of PR Card, slum plan, etc. Pursuant to said application, the Executive Engineer/SRA through letter dated 05.05.2022 has sought remarks of the District Superintendent of Land Records/SRA. Accordingly the District Superintendent of Land Records has submitted report to the Executive Engineer alongwith GIS plan on 29.08.2022.

The District Superintendent of Land Records and Executive Engineer has jointly visited the site on 22.09.2022. At the time of visit they noticed that there were slum structures and structures were kaccha. The slum structures are of Ground Floor and the same are in use for residential and commercial purpose. There is no proper drainage facility. The slum structures are situated closely and in congested manner. The internal roads are narrow. Water logging occurs in rainy season and there is lack of proper sunlight and ventilation. Some of the structures are in dilapidated condition. Lastly, the District Superintendent of Land





Records and Executive Engineer concluded that it will be just and proper to declare the said land as Slum Rehabilitation Area.

It was noticed during the site visit that there is open space on site, therefore the District Superintendent of Land Records has submitted another report to Executive Engineer on 13.12.2022. As per said report land bearing CTS No.79/A(pt), 79/A/1 to 3, 80, 80/1 to 11, 81(pt), 81/1 to 7, 82, 82/1 to 3, 83(pt), 83/1 to 8, 84(pt), 84/1 of Mauje - Pahadi Eksar, Taluka - Borivali, admeasuring 1896.01 sq. mtrs. is liable for declaration as Slum Rehabilitation Area. Hereinafter the above said land is referred to and called as "said land".

Pursuant thereto a public notice dated 02.03.2023 was given in daily newspapers in "Loksatta" and "The Free Press Journal" on 03.03.2023 inviting the objections, if any. The public notice is also displayed on the official website of Slum Rehabilitation Authority on 03.03.2023 and it was also pasted in the conspicuous place at site on 08.03.2023. Pursuant to public notice the objection is received from Respondents.

Notices were issued to the Respondents as well as Applicant and matter is heard on 28.03.2023. On said day Applicant as well as Respondent No.1 to 3 remain present. All the parties are heard at length and matter was closed for order.

#### **ARGUMENT OF APPLICANT**

According to Applicant they are the owner of said land by virtue of registered Deed of Conveyance dated 18.08.2006. The occupants are residing in slum structures on said land without requisite amenities. There is slum like situation and therefore they have resolved to redevelop the said land by implementing Slum Rehabilitation Scheme. On these grounds the Applicant has prayed for declaration of said land as Slum Rehabilitation Area.



### **ARGUMENT OF RESPONDENT NO.1**

According to Respondent No.1, he is occupant of land bearing CTS No.82 since many years. It is further version of Respondent No.1 that this Authority has pasted the Public Notice at site for declaration of said land as Slum Rehabilitation Area. It is the contention of Respondent No.1 that there is no slum like situation on site. On these grounds the Respondent No.1 seeks rejection of said application.

### **ARGUMENT OF RESPONDENT NO.2**

According to Respondent No.2, he is occupant of land bearing CTS No.83 since many years. It is further version of Respondent No.2 that this Authority has pasted the Public Notice at site for declaration of said land as Slum Rehabilitation Area. It is the contention of Respondent No.2 that there is no slum like situation on site. On these grounds the Respondent No.2 seeks rejection of said application.

### **ARGUMENT OF RESPONDENT NO.3**

On behalf of Respondent No.3, Advocate Shri Shailesh M. Yadav submitted his reply on 04.05.2023. According to Respondent No.3, his father is the owner in respect of land bearing CTS No.81 & 81/1 to 11. It is further version of Respondent No.3 that he is paying regularly assessment tax to concerned Authorities since 1946 in respect of land in his occupation. It is alleged by Respondent No.3 that on land CTS No.81, there is a Bungalow, 13 rooms and 4 W.C. There is no danger, unsafety, unhealthy for the public. It is further version of Respondent No.3 that they have no objection for declaration of said land as Slum Rehabilitation Area excluding land CTS No.81, 81/1 to 11. On these grounds the Respondent No.3 seeks rejection of said application.

### **ISSUES**

From rival contentions the issue that arise for determination of this Authority is as to whether requisite conditions for declaration of said land as Slum Rehabilitation Area u/s 3C(1) of the Maharashtra Slum Areas (I, C & R) Act, 1971 exist at site and Whether the said land is liable to be





declared as Slum Rehabilitation Area u/s 3C of the Maharashtra Slum Areas (I, C, & R), Act, 1971?

### **DISCUSSION**

The Applicant has filed the present Application u/s 3 C(1) of the Maharashtra Slum Areas (I, C & R) Act, 1971. It is contended by the Applicant that they are the owner of said land by virtue of Conveyance Deed dated 18.08.2006. The Applicant submitted that the situation at site is very unhygienic and due to which various disease were spread.

The record reveals that District Superintendent of Land Records has submitted reports dated 29.08.2022 & 13.12.2022, wherein it is mentioned that land bearing CTS No.79/A(pt), 79/A/1 to 3, 80, 80/1 to 11, 81(pt), 81/1 to 7, 82, 82/1 to 3, 83(pt), 83/1 to 8, 84(pt), 84/1 of Mauje - Pahadi Eksar, Taluka - Borivali, admeasuring 1896.01 sq. mtrs. is liable to be declared as "Slum Rehabilitation Area". The District Superintendent of Land Records has also submitted plan alongwith report dated 13.12.2022 showing the slum occupied portion as well as open space. The District Superintendent of Land Records has given remark that excluding the open space, the remaining portion admeasuring 1896.01 sq. mtrs. is liable to be declared as Slum Rehabilitation Area.

The report of District Superintendent of Land Records and Executive Engineer dated 22.09.2022 clearly states that conditions prevailing on said land are like slum and area lacks basic amenities. They further observed that the said area is unfit for human habitation as there is no proper ventilation. There is no proper sanitation and there is water logging during rainy season. This Authority do not find any reason to discard the site visit report dated 22.09.2022.

So far as the claim of Respondent No.3 is concern, it is contended that the Respondent No.3 is having well constructed bungalow on land CTS No.81, 81/1 to 7. The Respondent No.3 has also enclosed photographs as well as receipts of payment made by him to Corporation. The name of father of Respondent No.3 is duly recorded in

PR Card as Lessee. Considering the same it will be just and proper to exclude said portion from declaration.

It is not in dispute that there is slum like situation on site and the said slum may become source of danger to the slum dwellers residing on said land as well as residents of nearby vicinity. It is pertinent to note that the present application is only for declaration of said land as Slum Rehabilitation Area. So, 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 of Applicant Radha Leela Charitable Trust dated 21.03.2022 is hereby allowed.
2. The land bearing CTS No.79/A(pt), 79/A/1 to 3, 80, 80/1 to 11, 82, 82/1 to 3, 83(pt), 83/1 to 8, 84(pt), 84/1 of Mauje - Pahadi Eksar, Taluka - Borivali, admeasuring 1711.87 sq. mtrs. is hereby declared as Slum Rehabilitation Area u/s 3C(1) of the Maharashtra Slum Rehabilitation Areas (I, C & R) Act, 1971.

SRA/ED/OW/2023/24245

Date: **29 MAY 2023**

Place:

  
Chief Executive Officer  
Slum Rehabilitation Authority

Copy to:

1. Radha Leela Charitable Trust,  
CTS No.79/A(pt), 79/A/1 to 3, 79/B,  
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82/1 to 3, 83(pt), 83/1 to 8, 84(pt), 84/1,  
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5. Assistant Municipal Commissioner, P/S Ward,  
MCGM, CTS No.746, Village Pahadi,  
S.V. Road, Goregaon (West),  
Mumbai - 400 104
6. Dy. Chief Engineer/SRA.
7. Executive Engineer (P/S Ward)/SRA.
8. Financial Controller/SRA
9. Assistant Registrar (W.S.)/SRA
- ✓ 10. Information Technology Officer/SRA.
11. Chief Legal Consultant/SRA.

