



**SLUM REHABILITATION AUTHORITY**

**BEFORE THE DEPUTY CHIEF ENGINEER,  
SLUM REHABILITATION AUTHORITY,  
BANDRA (EAST), MUMBAI**

File No.SRA/ENG/1363/S/PL/LOI

M/s. Saur Jagat Builders & Developers  
4/2-D, Sun Heights Building,  
Adi Shankaracharya Marg, Gandhi Nagar,  
Powai, Mumbai - 400076



... Applicant

V/s

M/s. Pankajkumar Paliwal & Company,  
Paliwal Bhavan, Station Road,  
Vikhroli (West), Mumbai - 400083

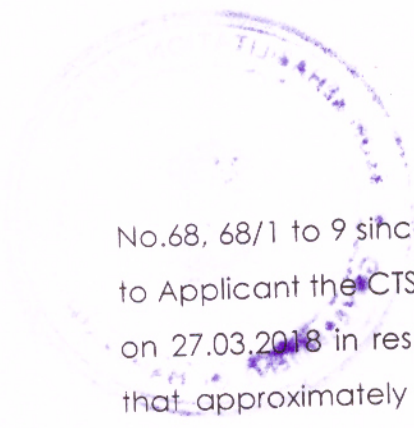
... Respondent

**ORDER**

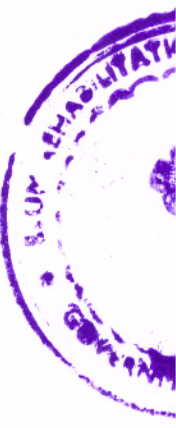
**(Passed on 19/7/22)**

These proceedings are initiated pursuant to the representation of Applicant dated 14.06.2022 to resolve the boundary issue of Applicant's SR Scheme on land CTS No.69, 69/1 to 23, 70, 70/1 to 9, 76, 76/1 to 166, 77, 77/1 to 13, 78(pt), 78/4 to 10 of Village Hariyali for "Shree Siddhivinayak SRA CHS Ltd." and Respondent's SR Scheme on land CTS No.68, 68/1 to 9 of Village Hariyali for "Balbir Bhavan SRA CHS". The facts which lead to present proceedings are as under;

There are two adjoining SR Schemes and SR Scheme No.1 is of Applicant on land CTS No.69, 69/1 to 23, 70, 70/1 to 9, 76, 76/1 to 166, 77, 77/1 to 13, 78(pt), 78/4 to 10 of Village Hariyali for "Shree Siddhivinayak SRA CHS Ltd.". The SR Scheme No.2 is of Respondent's on land CTS No.68, 68/1 to 9 of Village Hariyali for "Balbir Bhavan SRA CHS". It is the version of Applicant that the Respondent is implementing SR Scheme No.2 on the said adjoining plot bearing CTS



No.68, 68/1 to 9 since prior to Applicant's SR Scheme No.1. According to Applicant the CTSO, Ghatkopar carried out boundary demarcation on 27.03.2018 in respect of Scheme No.1. In said survey it is noticed that approximately 2.5 mtrs. wide portion of CTS No.69, 69/ 1 to 23 along the common boundary in between Applicant's SR Scheme No.1 and SR Scheme No.2 of Respondent is in the illegal possession of Respondent. The said illegal possession is also reflected in approvals and drawings issued by Slum Rehabilitation Authority to Respondent's SR Scheme. The Applicant again made application dated 02.11.2020 for fixation of boundaries of CTS No.69, 69/1 to 23 and survey was carried out by CTSO, Ghatkopar on 27.11.2020. In said survey also the portion of 2.5 mtrs. width from CTS No.69, 69/1 to 23 was found in illegal occupation of Respondent. It is further version of Applicant that due to illegal occupation on said portion of 2.5 mtrs. width the adequate access of 6 mtrs. is not available to their sale wing 'D'. On these grounds the Applicant has prayed to adjust the slum boundary so as to provide sufficient access to under construction sale wing 'D' of their Scheme.



The representation dated 14.06.2022 was made by Applicant to Hon'ble Chief Executive Officer/SRA. The Hon'ble Chief Executive Officer/SRA has given remarks directing this Authority to hear the parties and to take appropriate decision. Pursuant to these directions, the notices were issued to parties and hearing was held on 30.06.2022. On said day only Applicant remain present. The Respondent has submitted a letter dated 27.06.2022, but remain absent on 30.06.2022. Heard Advocate for Applicant.

This Authority has gone through the file papers. From layout plans of both SR Schemes it appears that the Applicant is implementing SR Scheme on land CTS No.69, 69/1 to 23, 70, 70/1 to 9, 76, 76/1 to 166, 77, 77/1 to 13, 78(pt), 78/4 to 10 of Village Hariyali for



"Shree Siddhivinayak SRA CHS Ltd.". The record further reveals that on adjoining land bearing CTS No.68, 68/1 to 9 of Village Hariyali is being implemented by Respondent for "Balbir Bhavan SRA CHS". There is also copy of CTSO survey plan as well as order of City Civil Court dated 28.04.2022 in Notice of Motion No.1889 of 2020 in Suit No.1340 of 2020. From copy of order it appears that the Respondent has filed said Suit against Applicant for relief of perpetual injunction for restraining the present Applicant from demolishing the boundary wall in between two SR Schemes. It is admitted position that Applicant's SR Scheme is on CTS No.69, 69/1 to 23, 70, 70/1 to 9, 76, 76/1 to 166, 77, 77/1 to 13, 78(pt), 78/4 to 10 and SR Scheme of Respondent is on CTS No.68, 68/ 1to 9. From these facts it appears that dispute before the City Civil Court is in respect of boundary.

The Hon'ble City Civil Court has observed in said order that the four structures bearing no.21, 22, 23 and 24 situated on CTS No.69 are part of Respondent's SR Scheme. The Court has further come to conclusion that a portion having 2.5 mtrs. width approximately from CTS No.69, 69/1 to 23 is in settled possession of present Respondent and therefore the Hon'ble Court has granted interim relief to present Respondent and thereby restrained the Applicant from dispossessing the Respondent from portion in their possession without following due process of law till final disposal of Suit. These facts and circumstances sufficiently proves that a strip of 2.5 width from CTS No.69, 69/1 to 23 is in possession of Respondent.

At the time of hearing it is submitted on behalf of Applicant that as per approved layout plan, the access to under construction sale wing 'D' is of 6 mtrs. width. But at present due to encroachment of Respondent, there is no access of 6 mtrs. width available to sale wing 'D'. It is further submitted that the access to sale wing 'D' is given from public road from Northern side of SR Scheme and at entry point



the available width is 6 mtrs. But due to encroachment the access is further reduced to the width of 4 mtrs. to 4 ½ mtrs., which is not as per approvals granted by Slum Rehabilitation Authority and it may cause hindrance to fire tenders in case of emergencies.

It is further submitted by Applicant that they are not seeking to recover the entire encroached portion from Respondent and for that purpose they will initiate appropriate proceedings in Court of law. At present they need sufficient access to their sale wing 'D' and the Hon'ble Chief Executive Officer/SRA has powers to grant access as per provision of clause 3.15 of regulation 33(10) of DCPR which the Hon'ble Chief Executive Officer/SRA has delegated to this Authority by way of endorsement on Applicant's representation dated 14.06.2022. On careful consideration of facts on record this Authority is convinced that there is no sufficient access throughout of 6 mtrs. width to under construction sale wing 'D' and it is necessary to grant proper access to SR Scheme of Applicant. Accordingly this Authority proceed to pass following order;

**ORDER**

The Respondent is hereby directed to handover the requisite area of land CTS No.69, 69/1 to 23 in their possession to Applicant so as to provide sufficient access of 6 mtrs. width to under construction sale wing 'D' within fifteen days from the date of order.

Date: 11 9 JUL 2022

Place: Mumbai

  
Deputy Chief Engineer  
Slum Rehabilitation Authority

No.: SRA/DY. CE. /SRA/Shree Siddhivinayak SRA CHS/40 /2022

Date: 11 9 JUL 2022

Copy to:

1. M/s. Saur Jagat Builders & Developers  
4/2-D, Sun Heights Building, Adi Shankaracharya Marg,  
Gandhi Nagar, Powai, Mumbai - 400076

2. M/s. Pankajkumar Paliwal & Company,  
Paliwal Bhavan, Station Road,  
Vikhroli (West), Mumbai - 400083
3. Tahsildar-2/SRA.
4. Dy. Chief Engineer/SRA.
5. Executive Engineer (S-Ward/SRA.
6. Financial Controller/SRA
7. Joint Registrar C.S. (Eastern & Western Suburbs)/SRA
- ✓ 8. Information Technology Officer/SRA.
9. Chief Legal Consultant/SRA.

