



**SLUM REHABILITATION AUTHORITY**

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



M/s. Om Sumukh Buildcon LLP  
D9302, Vasant Utsav, Thakur Village,  
Kandivali (East), Mumbai - 400 101

(2) Vignaharta CHS (Prop.)  
CTS No.282 & 283 Mauje Kanheri,  
Near Bank of Maharashtra, Dattapada Road,  
Borivali (East), Mumbai - 400 066

... Applicants

V/s

Dr. Chhaya Dedhia & 12 Ors.  
Purohit Chawl, Dattapada Road,  
Borivali (East), Mumbai - 400 066

... Objectors

**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 Applicants i.e. M/s. Om Sumukh Buildcon LLP for Vignaharta CHS (Prop.) dated 23.09.2022 for declaration of land bearing CTS No.282, 282/1 to 4, Village - Kanheri, Taluka - Borivali, admeasuring 216.70 sq. mtrs. as "Slum Rehabilitation Area" u/s 3C(1) of the Maharashtra Slum Areas (I, C & R) Act, 1971. Hereinafter the above said land is referred to and called as "said land". In brief the facts which lead to the present proceedings are as under;

**FACTS IN BRIEF**

The Applicants submitted the present application u/s 3 C of the Maharashtra Slum Areas (I, C & R) Act, 1971 in respect of land bearing CTS No.282, 282/1 to 4, Village - Kanheri, Taluka - Borivali,

admeasuring 216.70 sq. mtrs. Alongwith application the Applicants submitted copies of PR Card, slum plan, etc. Pursuant to said application, the Executive Engineer (R/C Ward)/SRA through letter dated 07.11.2022 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 17.11.2022. As per his report land bearing CTS No.282, 282/1 to 4, Village - Kanheri, Taluka - Borivali, admeasuring 216.70 sq. mtrs. is liable for declaration as "Slum Rehabilitation Area".

The District Superintendent of Land Records and Executive Engineer has jointly visited site on 08.12.2022. At the time of visit, they noticed that there were slum structures and same were kaccha & pakka. Some huts are of Ground + 1<sup>st</sup> floor and majority of huts are of Ground floor. These huts are in use for residential & commercial purpose. The slum structures are situated closely and in congested manner. The internal roads are narrow. Water logging occurs in rainy season. Some of the structures are in dilapidated condition. Lastly 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.

Pursuant to the site visit of District Superintendent of Land Records and Executive Engineer, a Public Notice dated 01.02.2023 was issued by Executive Engineer. The Public Notice was given in English and Marathi daily newspapers in "Mid-Day" and "Loksatta" on 04.02.2023 inviting the objections, if any. The Panchanama dated 03.02.2023 confirms that the Public Notice is affixed at conspicuous place on the said land. In response to public notice the objection is received from objectioners.

Pursuant to objections the parties were heard on 04.05.2023. On said day Applicants were present. None for objectioners present. Applicants were heard at length and matter was closed for order.





### **ARGUMENT OF APPLICANTS**

According to Applicants Vignaharta CHS (Prop.) has appointed M/s. Om Sumukh Buildcon LLP as developer for implementation of SR Scheme on said land. It is further version of Applicants that the slum dwellers are residing in slum structures on said land without requisite amenities and there is slum like situation. The said land is also affected by road widening of DP Road and BMC officials have visited and demarcated the set back area. According to Applicants, the objectioners are shopkeepers of commercial structures on said land and they have no locus to object for said declaration as per ratio laid down by Hon'ble Supreme Court of India in Kantabai Vasant Ahir V/s State of Maharashtra case. It is further version of Applicants that the rights of slum dwellers is limited to the extent of their rehabilitation subject to their eligibility decided by Competent Authority. On these grounds the Applicants have prayed for declaration of said land as Slum Rehabilitation Area.

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

According to Respondent No.1, they are in occupation of commercial structures on said land. It is further version of Respondent No.1 is that there is no slum like situation on said land and they are having all the basic amenities. On these grounds the Respondent No.1 has prayed to reject the application of Applicants.

### **ISSUE**

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**

Through present application the Applicants is seeking to declare the land CTS No.282, 282/1 to 4, Village - Kanheri, Taluka - Borivali,



admeasuring 216.70 sq. mtrs. as Slum Rehabilitation Area. The record reveals that District Superintendent of Land Records has submitted report alongwith GIS plan on 17.11.2022, wherein it is mentioned land bearing CTS No.282, 282/1 to 4, Village - Kanheri, Taluka - Borivali, admeasuring 216.70 sq. mtrs. needs to be declared as "Slum Rehabilitation Area". Thereafter the District Superintendent of Land Records and Executive Engineer have jointly visited site. The report of site visit of District Superintendent of Land Records and Executive Engineer is on record. From said report it appears that there are slum structures and same are kaccha & pakka. Some huts are of Ground + 1<sup>st</sup> floor and majority of huts are of Ground floor. These huts are in use for residential & commercial purpose. The slum structures are situated closely and in congested manner. The internal roads are narrow. Water logging occurs in rainy season. Some of the structures are in dilapidated condition. Due to said conditions the District Superintendent of Land Records and Executive Engineer has concluded that there are no hygienic conditions and the said slum may become source of danger to human life.

The Applicants have also submitted photographs of structures on said land alongwith application dated 23.09.2022. From these photographs it clearly appears that the pathways are narrow. There is categorical observation of District Superintendent of Land Records and Executive Engineer to that effect. This Authority do not find any reason to discard their report. The notice was duly served to objectioners on 26.04.2023 but nobody remain present for hearing nor any say is filed on record.

The report of District Superintendent of Land Records dated 17.11.2022 reveals that the owner of said land is one Shri Vasant Krishnarao Paralkar. There is no any objection raised by the owner. The objectioners are only the holders of commercial structures on said land. Due to declaration of said land as Slum Rehabilitation Area the rights of owner shall not be adversely affected in any manner.





The objectioners in their objection alleged that they are in occupation of commercial structures on said land. They further contended that there is no slum like situation on site. In present proceedings the issue for determination of this Authority is as to whether conditions for declaration of said land as Slum Rehabilitation Area exist at site or not. So far as the rights of the objectioners are concern, their right is limited to the extent of their rehabilitation subject to their eligibility.

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. 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 Applicants i.e. M/s. Om Sumukh Buildcon LLP for Vignaharta CHS (Prop.) dated 23.09.2022 is hereby allowed.
2. The land bearing CTS No.282, 282/1 to 4, Village - Kanheri, Taluka - Borivali, admeasuring 216.70 sq. mtrs. is hereby declared as Slum Rehabilitation Area u/s 3C(1) of the Maharashtra Slum Areas (I, C & R) Act, 1971.

SRA/ED/10W/2023/29034

Date: 26 JUN 2023

Place:

Chief Executive Officer  
Slum Rehabilitation Authority

Copy to:

1. M/s. Om Sumukh Buildcon LLP  
D/302, Vasant Utsav, Thakur Village  
Kandivali (East), Mumbai - 400 101



2. Vignaharta CHS (Prop.)  
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3. Dr. Chhaya Dedhia & 12 Ors.  
Purohit Chawl, Dattapada Road,  
Borivali (East), Mumbai - 400 066
4. Tahsildar-1/SRA
5. Dy. Chief Engineer/SRA
6. Executive Engineer (R/C Ward)/SRA
7. Financial Controller/SRA
8. Asst. Registrar (W.S.)/SRA
- ✓9. Information Technology Officer/SRA
- 10.Chief Legal Consultant/SRA