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Chitra Sonawane.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.18278 OF 2026

Mangesh Yashwant Parave & Ors. ...Petitioners.
Vs.

The State of Maharashtra through ...Respondents.
Urban Development Department, Mantralaya,
Mumbai & Ors.

Mr Mohit A Singh, Advocate for the Petitioners.

Mr Mayur Khandeparkar, Advocate a/w Aditya Miskita, Sanjeel Kadam, Ms Netra Jagtap i/by Kadam & Co. for the Respondent Nos.4 and 5.

Smt. Jyoti Chavan, Additional Government Pleader a/w Vikrant Parashurami, AGP for State.

Mr. Chaitanya Chavan a/w Anuja Tirmali i/by Komal Punjabi for Respondent No.2-BMC.

CORAM: SUMAN SHYAM &
ADVAIT M. SETHNA, JJ.

RESERVED ON : 11th AUGUST 2026.

PRONOUNCED ON : 25th AUGUST 2026.

Judgment (Per Advait M. Sethna) :-

1. Heard. Rule. Rule made returnable forthwith with the consent of parties.

A. Preface :

2. This Petition is filed under Article 226 of the Constitution of India seeking to quash and set aside Order dated 13th May 2026,

passed by the Assistant Commissioner, 'E' Department of the Mumbai Municipal Corporation (*'Impugned Order'* for short). The Petitioners further seek appropriate orders directing Respondents to implement/enforce the Undertakings dated 4th April 2007 and 12th March 2008, claimed to be executed by the Respondent No.4 and 5 respectively, before the Municipal Corporation i.e. Respondent No.2.

3. The subject matter of the proceedings relates to C.S. No. 782 of Mazgaon Division, upon which, the structures of the Petitioners being slum dwellers, are either entirely or majorly situated. Respondent Nos. 4 and 5 (*"Developers"*), are the owners of the land bearing C.S. No. 1A/782, 2/783, 784, 785, 786, and 783 of Mazgaon Division, Dr. Compound, Dattaram Lad Marg, 'E' Ward, Chinchpokli (East), Mumbai - 400012 (*'Developer's Land'* for short). A scheme under Regulation 33(7) of Development Control and Promotion Regulations for Greater Bombay, 2034 (*'DCPR, 2034'* for short) is being undertaken by the Respondent Nos. 4 and 5 on the Developer's Land.

4. The Respondent No. 2 had issued an Allotment Letter dated 3rd February 2026, whereby the Petitioners were allotted permanent alternate accommodation by providing Project Affected Persons (PAP) tenements in Bhandup. However, the Petitioners insist that they be granted *in-situ* rehabilitation in the scheme undertaken on the land belonging to Developers i.e. Respondent Nos.4 and 5, in light of which they have filed the Petition.

B. Factual Matrix :

5. The facts necessary for adjudication of present proceedings are as under :

6. The Respondent No. 2 - Corporation on 29th March 2007, issued an Intimation of Disapproval (IOD) to Respondent No. 4 in relation to the proposed redevelopment of the Developer's Land. Thereafter, on 4th April 2007, Respondent No. 4 furnished an undertaking to the Respondent No. 2 - Corporation, agreeing to hand over the setback area to it, free of compensation.

7. On 12th March 2008, Respondent No. 5 furnished an undertaking to Respondent No. 2 stating that eligible hutment dwellers within Developer's Land would be accommodated in the proposed redevelopment scheme.

8. Pursuant to the above, as dispute arose between the parties, a Long Cause Suit No. 2605 of 2008 (***"Suit"*** for short) came to be instituted before the City Civil Court at Bombay (***"Trial Court"*** for short) on 15th October 2008, by the Petitioners herein and several other slum dwellers. In the said Suit, the Plaintiffs therein which includes the Petitioners herein, *inter alia*, sought directions against Respondent Nos. 4 and 5 for allotment of permanent alternate accommodation in the redevelopment scheme being undertaken on the Developer's Land.

9. By an Order dated 21st September 2013, the Trial Court dismissed the Suit filed, *inter alia*, by the Petitioners herein for non-prosecution. Thereafter, Petitioner No. 2 herein filed a Notice of Motion No. 3832 of 2013 seeking restoration of the Suit.

However, such Application was dismissed by an Order dated 22nd July 2014 passed by the Trial Court on the ground of non-joinder of parties, there being 26 other Plaintiffs, who were not parties before it.

10. In the meantime, the Respondent No. 2 - Corporation vide communication dated 12th September 2014 stated that there were 44 hutment/slum dwellers on the setback area, of whom 30 were to be rehabilitated by the Respondent No.2-Corporation, 11 by Respondent Nos. 4 and 5, and 3 structures used as society offices to be demolished by Respondent Nos.4 and 5.

11. Annexure-II of Hutment Dwellers dated 4th September 2015 (*'Annexure-II'* for short) was issued by the Respondent No.2-Corporation for the purpose of rehabilitation of eligible hutment dwellers in PAP tenements under the bottleneck policy. Accordingly, the Petitioners were held to be eligible slum dwellers.

12. Pursuant to the above, another Notice of Motion No. 3941 of 2015 came to be filed by some of the Petitioners being Plaintiffs in the Suit seeking restoration thereof. By an Order dated 16th June 2017, the Trial Court rejected such prayer, thereby declining restoration of the Suit.

13. Respondent No. 4 thereafter instituted a Writ Petition No.1677 of 2016 before this Court, seeking direction against Corporation to remove encroachments on Developer's Land. This Writ Petition was disposed of by an Order dated 18th July 2017 of this Court, leaving it open to the Respondents to take appropriate action in the matter, in accordance with law.

14. Some of the Petitioners herein being aggrieved by the Trial Court's Order dated 16th June 2017, declining to restore the Suit, filed an Appeal from Order No 654 of 2019, before this Court. The Court by an Order dated 8th July 2025, disposed of the said Appeal from Order, upon granting liberty to the Petitioners to file appropriate proceedings to challenge the Order dated 22nd July 2014 passed in the first instance, rejecting restoration of the Suit, which is not assailed till date.

15. On 3rd February 2026, the Respondent No.2-Corporation issued an Allotment Letter whereby, the Petitioners were allotted permanent alternate accommodation by providing PAP tenements at Bhandup.

16. The Petitioners thereafter instituted Civil Writ Petition No. 3207 of 2026 challenging such allotment. By an Order dated 2nd April 2026, this Court disposed of the said Petition, directing the Petitioners to file an Appeal under the bottleneck policy, before the Assistant Commissioner of Respondent No.2. Pursuant thereto, on 15th April 2026, the Petitioners preferred an Appeal before the Assistant Commissioner, 'E' Ward, *inter alia*, challenging the Allotment Letter dated 3rd February 2026 and seeking implementation of the Undertaking of the Respondent No. 5 dated 12th March 2008. The Assistant Commissioner, 'E' Ward, by the Impugned Order dated 13th May 2026, rejected the Petitioner's Appeal.

17. It is in such backdrop that this Writ Petition is filed, *inter alia*, assailing the Impugned Order dated 13th May 2026.

C. Rival Contentions :**I. Submissions on behalf of the Petitioners :**

18. Mr. Singh would emphatically submit that this is a clear case where the Petitioners are entitled to the reliefs sought in the Petition. This, firstly for the reason that the Respondents are bound by the Undertakings and assurances dated 4th April 2007 and 12th March 2008, furnished before the Competent Authorities.

19. He would urge that there exists a binding obligation on the Developers i.e. Respondent Nos. 4 and 5, to rehabilitate and protect the eligible occupants i.e. the Petitioners. The Respondent Nos. 4 and 5 cannot resile from their obligations under the Undertaking dated 12th March 2008 by refusing to offer *in-situ* rehabilitation to the Petitioners on the Developer's Land.

20. Mr. Singh has urged that the Impugned Order fails to consider the case of the Petitioners in terms of the Undertaking and assurances, which the Respondents are bound to comply with. The Impugned Order is bereft of reasons and fails to afford opportunity to the Petitioners to represent their case, thereby making it contrary to the principles of natural justice. The same, therefore, deserves to be set aside.

21. Mr. Singh would urge that the Petitioners are not being treated at par with similarly placed persons. This is inasmuch as such persons have been offered *in-situ* rehabilitation on the Developer's Land, which the Respondents have, for reasons best known to them, have deprived the Petitioners of. This is more particularly with reference to one Mr. Kishore Amichand Kharva,

whose instance has been specifically pointed out by Mr. Singh in support of his contention on parity with the Petitioners.

22. Mr. Singh would contend that the Petitioners have a right including a fundamental right of *in-situ* rehabilitation and they cannot be divested of such constitutional protection. The Respondents, by their actions depriving the Petitioners of their right to *in-situ* rehabilitation have acted arbitrarily and contrary to law. The failure of the Respondents to rehouse the Petitioners by offering them *in-situ* rehabilitation on the Developer's Land without following due process tantamounts to violation of Article 21 of the Constitution of India.

II. Submissions on behalf of Respondent No.2 :

23. Mr. Chavan would first submit that the Annexure II dated 4th September 2015 coupled with the Allotment Letter dated 3rd February 2026 would clearly indicate that the Petitioners as eligible tenants are to be rehabilitated by the Respondent No. 2. This has been duly confirmed in the Impugned Order, which is passed within the four corners of law, and therefore, deserves to be upheld by this Court. In view thereof, the Petitioners cannot insist on *in-situ* rehabilitation on the Developer's Land.

24. Mr. Chavan would urge that the Respondent No.2 is ready to execute Permanent Alternate Accommodation Agreements ('*PAAAs*' for short), in favour of the Petitioners to rehabilitate them on its land at Bhandup, where the buildings are already constructed. He has tendered photographs in this regard, during the hearing, in support of the bonafides of the Respondent No.2. According to Mr.

Chavan, the Petitioners cannot insist upon being rehabilitated only at the land situated in Chinchpokli and not in Bhandup, despite such construction being ready to house the Petitioners. Mr. Chavan, on instructions, would urge that the road passing through the land owned by the Developer and Respondent No. 2 is taken over for road widening/development by the Road Department, which would make the claim of the Petitioners for *in-situ* rehabilitation further untenable. Thus, the Petitioners, in the given case, have failed to demonstrate any legal right and/or fundamental right of the Petitioners to claim *in-situ* rehabilitation. The Petition is, therefore, devoid of merit, warranting dismissal.

III. Submissions on behalf of Respondent Nos. 4 and 5 :

25. Mr. Khandeparkar, learned counsel for the Respondent Nos. 4 and 5 has vehemently opposed the Petition. He would submit that the Petition in the present form is clearly not maintainable. This, primarily on two counts. Firstly, the Petitioners have approached the Trial Court, where a Civil Suit filed for similar reliefs stands dismissed for non-prosecution and is admittedly not restored until date. The cause of action being similar, the Petitioner cannot pursue parallel proceedings by taking a chance before this Court. The Petitioners have suppressed material and relevant facts which is also a sufficient ground to warrant dismissal of the Petition. This is inasmuch as the Petitioners claiming parity have not disclosed the fact of a pending Writ Petition (L) No. 18510 of 2026 filed by Mr. Kishore Amichand Kharva, seeking similar reliefs. No interim protection has been granted in the said Petition.

26. Mr. Khandeparkar would urge that the Petitioners, in their endeavour to rely on the Undertaking dated 12th March 2008, have misconstrued such Undertaking and its true purport. A bare perusal thereof would reveal that it would apply only to eligible slum dwellers on the Developer's Land and not to all of them, in accordance with the Annexure II dated 4th September 2015 and the other documents including the Allotment Letter dated 3rd February 2026. Even though such Allotment Letter is a subject matter of challenge in the Impugned Order, the Petitioners have failed to point out any error in law or otherwise, in the absence of which, the same ought to be confirmed.

27. Mr. Khandeparkar has also referred to paragraph 4(d) of the Affidavit-In-Reply of the Respondent Nos. 4 and 5 dated 9th June 2026. It sets out the demarcation of the hutments on the land of the Developer and Respondent No. 2 respectively, to indicate that the structures of the Petitioners entirely and/or majorly fall on the land of the Respondent No. 2. He would therefore urge that no case is made out by the Petitioners for *in-situ* rehabilitation, on the Developer's land. Mr. Khandeparkar would thus pray that the Petition lacks merit and deserves to be dismissed.

D. Analysis :

28. The core controversy in the proceedings relates to the right sought to be enforced by the Petitioners in regard to *in-situ* rehabilitation of their structures only on the Developer's land, to be examined in light of the Impugned Order dated 13th May 2026.

29. At the outset, to place the issue/*lis* in perspective, it may be

pertinent to observe that the dispute between the Petitioners and Respondent Nos.2, 4 and 5 was first taken to the Trial Court in the Suit filed by the Petitioners claiming similar reliefs. However, the chronology of events, as narrated above, makes it clear that the said Suit was dismissed for non-prosecution and is not restored, as on date.

30. Contextually, we may observe that the issues raised and reliefs claimed in the said Suit, *vis-à-vis*, the present proceedings are similar/overlapping, indicative of parallel proceedings for similar cause of action. Some of the Petitioners had filed an Appeal from Order before this Court, and as the chronology of events (*supra*) would clearly indicate, the same was disposed of by an Order dated 8th July 2025. It was left open to the Petitioners to pursue their remedies against the dismissal of the earlier Application of the Petitioners, for restoration of the Suit by the Trial Court. Nothing from the record is pointed out to indicate any further steps initiated/taken by them, pursuant to such Order. In view thereof, we find substance/merit in the submission of Mr. Khandeparkar that the present Petition is nothing but a second bite at the cherry, particularly, when similar reliefs are being sought in these proceedings.

31. We may now advert to the submissions of Mr. Singh in the context of his reliance on the Undertaking dated 12th March 2008 (Exh. G to the Petition). In this regard, it is necessary to first refer to Annexure-II dated 4th September 2015 issued by the Respondent No. 2 (Exh. D to the Petition) which would clearly indicate that all the Petitioners are eligible for rehabilitation by Respondent No.2-

Corporation. The fact that the said Annexure-II is not under challenge is undisputed and therefore, the same holds the field.

32. Adverting to the Undertaking dated 12th March 2008, we have also noted the submission of the Respondents that though the Petitioners are eligible slum dwellers, to be rehabilitated by Respondent No. 2, they are not eligible under a scheme under Regulation 33(7) of DCPR, 2034, which applies only to the Developer's Land. To appreciate such contention, it is necessary to refer to the subsequent developments on record. In this regard, it appears that subsequent to said Undertaking, Respondent No.2 had issued a letter/communication dated 12th September 2014 certifying the slum dwellers to whom Respondent Nos. 4 and 5 were under obligation to rehabilitate and the slum dwellers to whom Respondent No.2 was equally under legal obligation to rehabilitate, by offering permanent alternate accommodation.

33. At this juncture, it is apposite to refer to the relevant extract of the communication dated 12th September 2014, which reads thus:

"List of all 44 hutment dweller along with total station survey plan and table showing each tenant occupying percentage of area on M/s J.Gala Enterprises and MCGM land on Krantiveer Bhai Bal Mukund Marg was sent by Maintenance Deptt. of 'E' ward to colony officer on 17.12.2013 at Pg C-171 for scrutinizing the eligibility of the hutment dwellers. Now, scrutiny of colony officer is received by Maintenance Deptt. Colony officer 'E' Ward has considered 30 hutment dwellers which are to be rehabilitated by MCGM and has recommended that out of 30 hutment dwellers 18 are made eligible for alternate accommodation Pg C-173-to C-185. It is to be mentioned here that out of 44 huts, 11 huts are to be rehabilitated

by M/s. J Gala Enterprises Developer and, 3 huts which were used as society office out of which 2 are demolished by M/s J Gala Enterprises and remaining 1 will be demolished by M/s J Gala Enterprises.

SUMMARY OF TOTAL NO. OF 44 HUTS IS AS BELOW.

	<i>Hut No. as per Inventory</i>		<i>Area (Sq.mtr.)</i>	<i>Remarks</i>
<i>Total no.of huts</i>		<i>44 nos.</i>	<i>394.15</i>	
<i>Huts demolished/to be demolished (Society office)</i>	<i>1, 15, 44</i>	<i>3 nos.</i>	<i>29.21</i>	<i>Out of this total area, 14.96 sq.mtr of MCGM land will be cleared by M/s J.Gala Enterprises.</i>
<i>Completely on MCGM land</i>	<i>2, 13, 14, 40</i>	<i>4 nos.</i>	<i>31.40</i>	<i>Huts will be removed by MCGM</i>
<i>Completely on M/s J. Gala Enterprises land</i>	<i>4, 9, 10, 26, 27, 28, 30 and 41</i>	<i>8 nos.</i>	<i>68.44</i>	<i>Huts will be removed by M/s J. Gala Enterprises.</i>
<i>Area of huts is certified by MHADA as per list at Pg.C..... and they are included in redevelopment scheme.</i>	<i>7,42, 43</i>	<i>3 nos.</i>	<i>42.21</i>	<i>These huts are occupying 18.56 sq. mtrs of MCGM land which is cleared by M/s J. Gala Enterprises.</i>
<i>Huts partly on MCGM land (147.45 sq.mtr) and partly on M/s J. Gala Enterprises (42.88 sq.mtr)</i>	<i>3, 5, 6, 8, 11, 12, 16, 17, 18, 19, 20, 21, 22, 23,24,25,29,31,32,33,34,35,36,37,38,39.</i>	<i>26 nos.</i>	<i>222.89</i>	<i>Huts will be removed by MCGM. These huts are occupying 160.71 sq.mtr. of MCGM land and 62.18 sq.mtrs of M/s J. Gala Enterprises land.</i>

<i>Area occupied by these huts on MCGM land</i>			225.63	
<i>Area occupied by these huts on M/s J.Gala Enterprises land</i>			168.52	

The above also forms a part of Affidavit-in-Reply of Respondent Nos.4 and 5 dated 9th June 2026, making it clear that majority of the hutment dwellers which includes all the Petitioners are to be offered rehabilitation by Respondent No.2. Such details are similar to that set out in Annexure-II dated 4th September 2015, issued by the Respondent No.2, which is not challenged by the Petitioners.

34. We have carefully perused the Impugned Order dated 13th May 2026. We find that the same is a speaking Order. There are elaborate factual findings recorded by the Competent Authority after due consideration of the contentions raised by the hutment dwellers and the contesting Respondents. There is a clear finding of fact recorded by such fact finding authority, *inter alia* to the effect that the hutments of the Petitioners are majorly situated on plot bearing C.S. No.782 of Mazgoan Division, owned by Respondent No. 2 and not by the Developers i.e. Respondent Nos. 4 and 5. On a perusal of the Impugned Order, we find that the contention of the Petitioners with regard to the Undertaking has been duly dealt with in the Impugned Order. Such aspects involving intricate factual nuances, form a part of the reasoning/findings in the Impugned Order. Accordingly, the same would not warrant our interference in writ jurisdiction.

35. Contextually, we are therefore not persuaded to accept that the Impugned Order is passed in violation of principles of natural justice, as averred in the Petition. Moreover, a mere averment in the Petition, to direct the Respondent Nos. 1 to 4, to disclose and place on record complete rehabilitation records, allotment details, eligibility records, approved plans, agreements, undertakings, is in the nature of roving enquiry, which is legally impermissible in the given proceedings.

36. Mr. Singh has vehemently argued that there are similarly placed persons like the Petitioners, one of them being Mr. Kishore Amichand Kharva, who have been offered *in-situ* rehabilitation by Respondent Nos.4 and 5 on their land. However, we find substance in the interjection of Mr. Khandeparkar on this count. It is brought to our notice that a Writ Petition (L) No. 18510 of 2026 is preferred by Mr. Kishore Amichand Kharva before this Court. It appears that the reliefs sought in that Petition are similar to those in the present proceedings. We may note that there are orders passed in the said Petition which clearly indicate not only the pendency of the said Petition, but also that, there is no interim relief granted by this Court in favour of the said Petitioners, as contended by Mr. Khandeparkar. Therefore, such position aids no assistance to the case espoused by the Petitioners.

37. The submission of learned Counsel for the Petitioners on parity, is unacceptable and untenable, in light of aforementioned factual position. Such fact of the said pending Writ Petition being relevant, material and having a bearing on the present proceedings, ought to have been disclosed in the present Petition.

However, the Petitioners for reasons best known to them, have chosen to refrain from doing so.

38. We have noted the detailed averments made in the Affidavit-in-Reply filed on behalf of Respondent Nos.4 and 5 to the Petition, which *inter alia* contain the complete the break-up of the details of rehabilitation by the Respondents in respect of 44 hutment dwellers, including the Petitioners. The Petitioners have not chosen to file a Rejoinder to such Affidavit-in-Reply, though they have proceeded on denial. Be that as it may.

39. We may observe that if the case of the Petitioners is to be accepted, we would be called upon to adjudicate the entitlement including the details thereof of the Petitioners, on the land belonging to the Respondent No.2 *vis-à-vis* the Developer's Land. The said issue stands addressed under the Impugned Order dated 13th May 2026. These are not admitted facts and are seriously disputed/contested by the parties. In such view of the matter, we would refrain from entering into the realm of factual disputes in light of contesting claims and counter-claims raised by the parties. To adjudicate the same in a Writ Petition, would not fall within the ambit of our extraordinary jurisdiction under Article 226 of the Constitution of India.

40. We find that the Respondent No.2 is ready and willing to offer permanent alternate accommodation to the Petitioners on the land and buildings situated at Bhandup. They have furnished the photographs of the said buildings/structures/premises to the Court during the hearing. However, the Petitioners would insist to be

rehoused *in-situ* at the land owned by Respondent Nos.4 and 5 at Chinchpokli instead of Bhandup which is being offered by the Respondent No. 2.

41. Mr. Singh for the Petitioner has lead much emphasis on the right, including fundamental right of the Petitioners to *in-situ* rehabilitation. In this context, it is apposite to refer to the judgment of a coordinate Bench of this Court in ***Abdul Majid Vakil Ahmad Patvekari & Ors. vs. Slum Rehabilitation Authority & Ors.***¹ In a similar factual complexion, this Court held that the fact of being protected slum dwellers, cannot elevate their protection to such an extent that such slum dwellers have to be rehabilitated either on the same land, if any remaining, after the project work is completed or they may be provided a permanent alternate accommodation, within the vicinity. Mere right of rehabilitation cannot be recognized to be equivalent to a right of ownership. More particularly, when it is not the case that the Petitioners are being denied of the benefit of rehabilitation. In our view, the ratio in the said decision would clearly apply in the given case.

42. As analyzed above, we are not persuaded by the Petitioners in the given facts and circumstances, to interfere in writ jurisdiction, on the ground that the Petitioners have a right as also a fundamental right of *in-situ* rehabilitation on Developer's Land, as claimed by them. Moreover, as submitted by the learned counsel for Respondent No.2, the record bears out that the road adjoining/passing through both the Developer's Land and the land

¹. 2021 SCC OnLine Bom 13719

owned by Respondent No.2 – Corporation is taken over for development by the Road Department in the year 2014-15. Even on this count, the Petitioners' case for *in-situ* rehabilitation 'cuts no ice' and/or assist the cause canvassed by them in these proceedings.

43. We may note that the averments in the Petition disclose an attempt on the part of the Petitioners to invoke the doctrine of promissory estoppel and legitimate expectation in their favour. However, there is no material and/or submissions advanced before us in this regard. In any event, in the absence of any representation and/or promise pointed to us by the Petitioners, for invoking the doctrine of promissory estoppel in the given facts, as also the endeavour to invoke legitimate expectation, without an enforceable right, would not aid and/or assist the case of the Petitioners, in any manner.

44. In light of the above, we are not inclined to entertain this Writ Petition. However, in the interest of justice, the Petitioners are at liberty to raise such claims/counter-claims before the Appropriate Authority/Court, as the law would permit.

45. The Petition is Disposed Of in above terms. No orders as to costs.

46. Before parting with the record, it would be pertinent to refer to a recent decision of the Co-ordinate Bench of this Court in ***High Court On Its Own Motion Vs. State of Maharashtra through Government Pleader***². The Supreme Court had referred the issues

² Suo Moto in Writ Petition No.1 of 2024, decided on 8th May 2026.

arising in *Yash Developers Vs. Harihar Krupa Co-operative Housing Society Ltd. & Ors.*³ in the context of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (“*Slum Act*” for short), calling upon this Court to conduct a performance audit of the slum legislation, expressing serious concern over its implementation. This Court made specific observations deprecating the claim of *in-situ* rehabilitation. This, in the backdrop of the avalanche of disputes governed under the Slum Act, reaching the Courts. Similar findings are echoed in Judgments of the Co-ordinate Bench of this Court in *Moinuddin Pashamiya Shaikh Vs. Slum Rehabilitation Authority*⁴ and *Bishop John Rodrigues Vs. State of Maharashtra & Ors.*⁵. This Court has, *inter-alia*, observed in *High Court On Its Own Motion* (supra) that such claims of *in-situ* rehabilitation find no justification within our constitutional scheme and is unconscionable.

47. All concerned, to act on an authenticated copy of this Order.

(ADVAIT M. SETHNA, J.)

(SUMAN SHYAM, J.)

³ (2024) 9 SCC 606

⁴ WP (L) No.7714 of 2023, decided on 19th and 20th June, 2023

⁵ 2024 SCC OnLine Bom 1632.