



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

**WRIT PETITION (L) NO.12541 OF 2026**

Dharavi Koli Jamat Trust  
Registration No.E-6074/1975 (Mumbai)  
Having its office at Holi Maidan,  
Dharavi Koliwada, Mumbai-400 017 ... Petitioner

Versus

1. State of Maharashtra  
(Through the Chief Secretary)  
Mantralaya, Madame Cama Road,  
Mumbai – 400 032  
[Respondent No.1 to be served through  
through Government Pleader (OS)  
High Court at Bombay, Mumbai]
2. Dharavi Redevelopment Project,  
Slum Rehabilitation Authority  
Gala Altezza, Udyog Nagar, E,  
Plot No.17-A, Flank Rd, next to Sri  
Shanmukhananda Chandrasekarendra  
Saraswathi Auditorium, Sion,  
Mumbai – 400 022
3. Municipal Corporation of Greater Mumbai  
Mahapalika Head Office, Mahapalika  
Marg, Fort, Mumbai – 400 001
4. M/s. Navbharat Mega Developers  
Private Limited  
having its Registered Office at 601,  
Hallmark Business Plaza, Opp. Guru  
Nanak Hospital, Bandra (East),  
Mumbai – 400 051 .... Respondents

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Mr. Ravi R. Gadagkar i/b. Adv. Usha R. Gadagkar, for the petitioner.

Mr. Milind More, Addl.G.P., for respondent No.1-State.

Adv. Ravleen Sabharwal a/w Adv. Aarushi Yadav, for respondent No.2.

Adv. Anjali Ghuge a/w Adv. Vaishali Ugale, for respondent No.3-BMC/MCGM.

Mr. Ravindra Kadam, Senior Advocate a/w Adv. Rati Patni, Adv. Vikrant Dere i/b. Wadia Ghandy & Co., for respondent No.4.

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**CORAM : M. S. KARNIK &  
S. M. MODAK, JJ.**

**DATE : 18<sup>th</sup> APRIL, 2026**

**JUDGMENT (PER M. S. KARNIK, J.) :**

1. This petition under Article 226 of the Constitution of India seeks the following substantive reliefs :-

“(b) that this Hon'ble Court be pleased to exercise the jurisdiction vested under Article 226 of the Constitution of India and be pleased to issue a writ of Certiorari or writ in the nature of Certiorari or any other writ order or directions to the Respondent Nos.1 to 3 to produce the all the records, files, papers and documents in respect of determination, demarcation and finalisation of the outer boundaries of Dharavi Koliwada and after going through the validity, legality and correctness thereof hold and declare there has been inordinate delay and failure on the part of officials/authorities of the Urban Development, City Survey, Revenue & Forest and Fisheries Departments of Respondent No.1 and Respondent Nos.2 and 3 in discharging their official duty to demarcate and finalise of the outer boundaries of Dharavi Koliwada;

(c) that this Hon'ble Court be pleased to exercise the Jurisdiction vested in under Article 26 of the Constitution of India and be pleased to issue a writ of Mandamus or writ in the nature of Mandamus or any other writ order or directions to the concerned officials/authorities of Respondent Nos.1 to 3 to determine, demarcate and finalise of the outer boundaries of Dharavi Koliwada expeditiously;

(d) that this Hon'ble Court be pleased to exercise the jurisdiction vested in under Article 226 of the Constitution of India and be pleased to issue a writ of Mandamus or writ in the nature of Mandamus or any other writ order or directions to the concerned officials/authorities of Respondent Nos.1 to 3 to direct Respondent No.4 restrict implementation of the Dharavi Redevelopment Project only to the extent the area of which Plans of which are approved and sanctioned by the Notification dated 3<sup>rd</sup> March, 2016;

(e) that this Hon'ble Court be pleased to exercise the jurisdiction vested in under Article 226 of the Constitution of India and be pleased to issue a writ of Mandamus or writ in the nature of Mandamus or any other writ order or directions to direct concerned officials/authorities of Respondent Nos.1 to 3 not to allow Respondent No.4 to implement the Dharavi Redevelopment Project on any part of the 2,00,830 square meters of land/area inspected and measured on 15<sup>th</sup> November, 2018, by concerned officials of the Fisheries and City Land Survey Departments of Respondent No.1, as forming Dharavi Koliwada;

(f) that this Hon'ble Court be pleased to exercise the jurisdiction vested in under Article 226 of the Constitution of India and be pleased to hold and declare that Respondent No.4 is not entitled to implement the Dharavi Redevelopment Project on any part of the 2,00,830 square meters of land/area (Exhibit- "F-1") inspected and measured on 15<sup>th</sup> November, 2018, by the concerned officials of the Fisheries and City Land Survey Departments of Respondent No.1, as forming Dharavi

Koliwada;

(g) that this Hon'ble Court be pleased to exercise the jurisdiction vested in under Article 226 of the Constitution of India and be pleased to hold and declare that the action of Respondent No.4 implementing Dharavi Rehabilitation Project of any part of the 2,00,830 square meters of land/area (Exhibit- "F-1") inspected and measured on 15<sup>th</sup> November, 2018, by the concerned officials of the Fisheries and City Land Survey Departments of Respondent No.1, as forming Dharavi Koliwada, is illegal, invalid, bad-in-law and ab initio void and violates Regulation 33(16) of DCPR-2034;

(h) that this Hon'ble Court be pleased to exercise the jurisdiction vested in under Article 226 of the Constitution of India and be pleased to direct Respondent No.4 to forthwith remove all the barricades and corrugated tin sheets erected on lands, buildings and structures by Respondent No.4 on all such parts of the 2,00,830 square meters of land/area (Exhibit- "F-1")."

2. The facts of the case are stated hereafter. The petitioner, the Dharavi Koli Jamat Trust is a Public Trust of fisherfolk of Dharavi registered under the Maharashtra Public Trust Act, 1950. The respondent No.2 is the Dharavi Redevelopment Project ("DRP", for short) being implemented by the Slum Rehabilitation Authority ("SRA", for short), an authority constituted under the Maharashtra Slum (Clearance, Improvement and Rehabilitation), Act, 1971 ("Slum Act", for short). Respondent No.4 is a private limited company constituted under the Companies Act, 2013, a

Special Purpose Vehicle (SPV) constituted and formed for the redevelopment and implementation of DRP.

3. The grievance of the petitioner is that there is inaction and inordinate delay of about 15 years on the part of the concerned authorities of the Revenue and Forest Department and the Urban Development Department of the State of Maharashtra in ascertaining, determining, demarcating and finalising the outer boundary of Dharavi Koliwada. The petitioner wants this area to be excluded from the DRP and incorporate such excluded area as Koliwada in the Development Plan for Greater Mumbai-2034. The petitioner says that there has been illegal handing over of the lands and buildings/structures standing thereon in the Dharavi Koliwada by the allottee/s housing societies of employees of Government Railway Police (GRP), Mahanagar Telephone Nigam Limited (MTNL), Brihanmumbai Municipal Corporation (BMC), Bombay Electric Supply and Transport (BEST), Oil and Natural Gas Corporation Ltd. (ONGC) and M/s. Adani Electricity Mumbai Limited (AEML) (“Buildings”, for short) to Respondent No.4. It is the case of the petitioner that the Respondent No.4, in an

arbitrary, high-handed, unauthorized and illegal manner, is taking possession of such lands/buildings/structures in Dharavi Koliwada, further barricading and erecting corrugated tin sheets without the concerned authorities first ascertaining, determining and demarcating the boundary of Dharavi Koliwada to exclude such area of Dharavi Koliwada from the DRP and to incorporate the same in the Development Plan-2034 as Koliwada.

4. Learned counsel for the petitioner submitted that the petitioner-Trust was formed by the local fisherfolk (Kolis) of Dharavi for the welfare of its members who have been continuously engaged in fishing and allied activities. It is submitted that the fisherfolk have been holding/celebrating social, cultural and religious functions/events in Dharavi Koliwada for several centuries even prior to the enactment of the Bombay Municipal Corporation Act, the Maharashtra Regional and Town Planning Act ("MRTP Act", for short) and the Slum Act. The Kolis for centuries have predominantly depended upon and continue to depend upon fishing as their source of livelihood.

5. Learned counsel for the petitioner submitted that Dharavi Koliwada amongst other Koliwadadas, i.e. Colaba, Girgaon, Sewri, Worli, Mahim and Sion, is one of the seven Koliwadadas located at the northernmost edge of the island city of Mumbai and the Koli residents thereof hold legally recognised ownership titles over the lands traditionally owned/occupied by them. It is submitted that over the last several years, extensive slum settlements have mushroomed in and around the areas surrounding Dharavi Koliwada, resulting in Dharavi being widely identified as one of the largest slum agglomerations in the world.

6. According to the learned counsel for the petitioner, by Resolution No. 32 dated 26<sup>th</sup> October, 1920 of the erstwhile Bombay Improvement Trust, the area for the Dharavi Street Scheme, being Scheme No.56, was recorded as 26,79,051 square yards. After deducting the area for roads and open spaces, the total area of the said Dharavi Street Scheme was determined as 19,01,394 square yards. The then Government of Bombay vide its Order No.1020 dated 28<sup>th</sup> January, 1921, inter alia, referring to

Government Order, General Department No.10201 dated 28<sup>th</sup> November, 1919, revised the estimates of costs for Acquisition and Works mentioned therein.

7. Learned counsel for the petitioner was at pains to point out that there is an anomalous situation viz. only the houses/residences of the fisherfolk have been excluded from the DRP established for slum rehabilitation scheme for Dharavi Notified Area ("DNA", for short) and certain portion of land as well as dwelling structures/buildings of the Kolis of Dharavi Koliwada, viz. fish and net drying land; Holi Maidan; Khambhadev Temple and its peripheral ground/area; 3 churches i.e. St. Anthony Church, Pentecost Church and Methodist Karnad Church; Cemetery; Crematorium and open land/spaces (extended land) traditionally being used by the fisherfolk at Dharavi Koliwada for religious, cultural and festival activities for several decades and several houses of fisherfolk which are spread over the entire land between "Y" junction and Dharavi Main Road up to St. Anthony Church and Sant Kakkayya Marg up to "T" junction i.e. the extended land and houses and the portion of land between the

Mahim Creek from "T" junction to "Y" junction on Mahim-Sion Link Road have not been excluded from the DRP.

8. Learned counsel submitted that the petitioner in this regard had been addressing several communications/correspondence, since the year 2013, to the concerned authorities of the State of Maharashtra, inter alia, requesting that a proper and complete survey be carried out of the entire Dharavi Koliwada and the said extended land, traditionally being used by the Kolis of Dharavi Koliwada for the purposes above mentioned, and upon such proper and complete survey, after ascertaining, determining, demarcating and finalising the outer boundary of Dharavi Koliwada, to exclude and delete such area forming part of Dharavi Koliwada from the DRP and accordingly incorporate it in Development Plan-2034.

9. It is then pointed out by learned counsel for the petitioner that the SRA, the Special Planning Authority for the DNA for DRP, by its letter dated 15<sup>th</sup> October 2008, informed the petitioner that the Dharavi Koliwada Gaothan had been excluded from the DRP.

The letter further stated that an organisation named “Mashal” had been directed to conduct a survey of the total constructed area of the Dharavi Koliwada residents.

10. By a subsequent letter dated 15<sup>th</sup> November, 2008, the SRA again reiterated that the Dharavi Koliwada Gaothan had been excluded from the DRP, though inadvertently included in DRP, and further clarified that it should be treated as excluded from the DRP. The letter further requested the Dharavi Koliwada residents to extend cooperation to the said Mashal organisation for conducting of the survey of Dharavi Koliwada. It is the grievance of the petitioner that though it was confirmed that Dharavi Koliwada was not included in the DRP, no survey was conducted for finalising the outer boundary of Dharavi Koliwada so as to exclude and delete such area forming part of Dharavi Koliwada from the DRP resulting in further encroachments on the extended land of Dharavi Koliwada which land was and is being traditionally used by the fisherfolk for fishing and allied activities for several centuries.

11. It is further submitted by learned counsel for the petitioner that the Revenue and Forest Department of respondent No.1, by Resolution dated 19<sup>th</sup> November, 2012, decided to permit a minimum Floor Space Index (FSI) of 2.00 for Koliwad as in Mumbai City and the Mumbai Suburban District, at par with Gaothans, and mentioned that since the boundaries of Koliwad as were not reflected in the land records, their demarcation was required to be carried out in accordance with the Maharashtra Land Revenue Code, 1966 (“MLRC”, for short) for which a Committee was constituted to conduct surveys, prescribe the demarcation procedure and frame guidelines.

12. It is the petitioner’s case that despite SRA’s letters dated 15<sup>th</sup> October, 2008 and 15<sup>th</sup> November, 2008, confirming that Dharavi Koliwada Gaothan had been excluded from the DRP, by a Government Resolution dated 20<sup>th</sup> November, 2012, the Government decided to undertake external demarcation of boundaries of Koliwad as in Mumbai City and the Suburbs.

13. Learned counsel for the petitioner submitted that during

the hearing that was held on 13<sup>th</sup> June, 2013 before the Chief Executive Officer of the SRA, the petitioner had specifically pointed out that the boundaries of Dharavi Koliwada as shown in the DRP were incorrect and that adjoining lands owned and traditionally used by fishermen, mentioned in paragraph No.8 of the writ petition ought to have been excluded from the DRP and included within the Dharavi Koliwada boundary limits. However, despite more than 12 years since then, no decision, till date, has been taken.

14. Pursuant to the decision taken by the State of Maharashtra vide resolution dated 19<sup>th</sup> November, 2012, the Committee constituted thereunder along with the officials of the Fisheries Department undertook site inspections of Koliwadadas in Mumbai. Learned counsel submitted that the petitioner, pursuant to the hearing held on 13<sup>th</sup> June, 2013, kept on pursuing the matter with the concerned authorities of the State of Maharashtra. Despite repeated correspondence, no steps were taken to include the portion of area/land mentioned above as the Dharavi Koliwada and exclude the said area from the DRP. On 5<sup>th</sup> September, 2015,

in the survey, Dharavi Koliwada was identified as a continuous settlement forming part of Graph/Sheet No.721, consisting of about 160 houses of Koli residents primarily engaged in fishing.

15. Pursuant to Government Letter dated 1<sup>st</sup> November, 2018, the officials of Mumbai City Survey and Land Records carried out the measurement of the external boundaries of Dharavi Koliwada. It is the grievance of the petitioner that the entire stretch of the extended land/area and all the lands/dwellings/structures/buildings mentioned hereinabove, which form a part of the Dharavi Koliwada, were not surveyed by the said Committee and officials of the Mumbai City Survey and Land Records Department. Learned counsel for the petitioner was at pains to point out that the concerned authorities of the respondent No.1 have not taken any final decision on the said survey and determination, demarcation and finalisation of the outer boundaries of any of the Koliwadadas in Mumbai, much less of Dharavi Koliwada.

16. Thus what the petitioner wants in this petition is to exclude Dharavi Koliwada, which comprises of the Gaothan and

the portion of land, buildings and structures, mentioned in paragraph 8 of the petition, from the DRP and demarcate the same as part of Dharavi Koliwada. The Gaothan has been excluded. The Collector by letter dated 13<sup>th</sup> April, 2018 informed that the Maintenance Surveyor from the Mumbai City Survey and Land Records would visit the site on 25<sup>th</sup> April, 2018, to carry out boundary measurement.

17. It is the petitioner's case that on 11<sup>th</sup> November, 2018, the office of the Collector, Mumbai issued a Public Appeal, inter alia, stating that the outer boundaries of Mumbai's seven Koliwadass were shown on the survey graphs maintained by that office. Further, following demands at the Government level, a Committee comprising of the officers from the Collector's Office and the Fisheries Department, would conduct site measurements from 12<sup>th</sup> November, 2018 onwards. Pursuant thereto, a survey was conducted between 12<sup>th</sup> and 15<sup>th</sup> November, 2018. On 15<sup>th</sup> November, 2018, the Committee recorded that Dharavi Koliwada measured 2,00,830 square meters which comprised residential

houses, fish and net drying areas, open spaces, a community temple, dharamshala, cemetery, and crematorium. It is therefore the case of the petitioner that the areas where the fisherfolk have been traditionally carrying out these activities since centuries have not been included as a part of Dharavi Koliwada. Further, according to the petitioner, the entire portion of land mentioned in paragraph No.8 of the petition constitutes an area far greater than 2,00,830 square meters. According to the learned counsel for the Petitioner, the determination, demarcation and finalisation of extended land and its outer boundary has not been approved/finalised till date. Learned counsel for the petitioner has relied upon the Public Appeal dated 11<sup>th</sup> November, 2018, Survey Map/Plan of survey carried out on 15<sup>th</sup> November, 2018 and Panchanama dated 15<sup>th</sup> November, 2018.

18. Thus, in essence, the petitioner's case is that without even determining, demarcating and finalising the extended land and its outer boundary, which process is still underway, the respondent No.4 is proceeding with the project. Further, a report of the demarcation was submitted to the State Government and all

authorities were required to give a hearing and submit their opinions before finalisation of persons whose lands fell within the proposed demarcation. The petitioner relied upon a letter of the Collector dated 9<sup>th</sup> August, 2019 informing the petitioner that the Government had not yet conducted the required hearing and no final decision had been taken on the Map of Dharavi Koliwada.

19. A reference is then made to the information received under Right to Information Act, 2005 as revealed by the Assistant Commissioner (Estate) of the Corporation, that the lands acquired by the Corporation for municipal and public purposes do not form part of Koliwadadas and some of such lands were under rehabilitation proposals, thereby indicating that such lands and land falling within the Koliwada and Gaothan should be excluded from rehabilitation proposals. Reliance is then placed on the Circular dated 5<sup>th</sup> April, 2022 of the CEO of SRA directing that no Slum Rehabilitation Scheme and related survey activity be carried out in Koliwadadas and Gaothans where demarcation surveys had already been conducted.

20. Learned counsel for the petitioner then pointed out that somewhere in June 2022, the office of the Collector, Mumbai, prepared a draft communication addressed to the Additional Chief Secretary (Revenue) of the State Government, regarding demarcation of Koliwad, inter alia, stating that, as directed by the Revenue and Forest Department, all public authorities whose lands were included in the measurements must be given hearings before such finalisation. It was further mentioned that the DRP had raised an objection stating that as per the Notification dated 3<sup>rd</sup> March, 2016, approving the Dharavi Planning proposal, only 23,665.64 square meters had been earmarked as Koliwada area, whereas the measurement carried out by the office of the Collector between 12<sup>th</sup> to 15<sup>th</sup> November, 2018 reflected a substantially larger area of 2,00,830 square meters and therefore the boundaries of Dharavi Koliwada were required to be corrected and confirmed. Therefore, in view of conflicting claims and inclusion of lands belonging to several public bodies, the Collector's office opined that the final decision on Koliwada demarcation must be taken at the Government level.

21. The petitioner by a letter dated 29<sup>th</sup> February, 2024, submitted objections to the Special Land Acquisition Officer of the SRA/DRP, opposing both, the Dharavi Koliwada boundaries and the proposed re-survey of areas falling within the Dharavi Koliwada. In the representation, a reference was made to the hearing held on 13<sup>th</sup> June, 2013 before the Chief Executive Officer of the SRA in relation to the DRP, where the incorrect limits shown in the Project were objected to and proper demarcation through the Survey and Land Records Department was sought and agreed upon. The petitioner objected to the respondent No.4-developer's reliance on the Planning Proposal approved on 3<sup>rd</sup> March, 2016, to define the Koliwada limits, and demanded that the survey (for the purposes of demarcation of outer boundary of Dharavi Koliwada) carried out on 15<sup>th</sup> November, 2018 through the Survey and Land Records Department, be accepted, approved and finalised.

22. By a public notice dated 11<sup>th</sup> March, 2024, the Corporation announced a door-to-door survey of slum dwellers from 18<sup>th</sup> March, 2024, to determine eligibility in the DNA. The

petitioner, by a communication dated 19<sup>th</sup> March, 2024, objected to this proposed re-survey, inter alia, contending that Dharavi Koliwada had been excluded from the DRP vide letters dated 15<sup>th</sup> October, 2008 and 15<sup>th</sup> November, 2008 and that its outer boundaries had been again surveyed on 15<sup>th</sup> November, 2018. The petitioner contended that the proposed survey including areas in Sectors 4 and 5, overlapped with the Koliwada's outer boundaries and asserted that no survey should be conducted until those boundaries were finally approved.

23. By a representation dated 6<sup>th</sup> May, 2025, made to the Deputy Secretary, Housing Department, Government of Maharashtra, the petitioner objected to the Housing Department's notifications dated 4<sup>th</sup> October, 2024 and 24<sup>th</sup> January, 2025, which according to the petitioner wrongly indicated Dharavi Koliwada within Sectors 4 and 5 of the DRP. It was accordingly requested that the measured area of approximately 2,00,830 square meters be excluded from the DRP and for the same to be recognized as a part of Dharavi Koliwada for the Koli community.

24. The petitioner then by its representation dated 16<sup>th</sup> September, 2025 made to the CEO of the DRP, objected to the proposed handing over of the possession of MHADA buildings as these buildings stood on land traditionally being used by the Kolis of Dharavi Koliwada for fishing and allied activities and that the said development had been undertaken without consulting the Koli fisherfolk. It was therefore requested that respondent No.4 should not take any action in respect of these lands or buildings until the outer boundaries of Dharavi Koliwada were determined, demarcated, finalised and included in the Development Plan-2034. It is then the case of the petitioner that without determining these outer boundaries, around March 2025, officials of public bodies such as the GRP, MTNL, BEST, ONGC, and AEML, facilitated the illegal handing over of possession of their lands and structures to respondent No.4. Learned counsel for the petitioner contended that these lands on which the building stood, including the foreshore land of Mahim Creek have been traditionally used by Dharavi fisherfolk for their fishing and allied activities for several centuries.

25. It is submitted that the lands on which the buildings are shown as existing/constructed is foreshore land which does not have any plot/C.S. number but has wrongly been shown to be a part of C.S. Nos. 343 and 347. It is the petitioner's case that these housing societies do not have any ownership rights nor any leases in their favour and therefore have no legal right to handover possession of land of their respective housing societies situated on the said foreshore/Government land to respondent No.4.

26. A representation was therefore made by the petitioner to the Hon'ble Chief Minister on 27<sup>th</sup> October, 2025 objecting to the illegal transfer and handing over possession of buildings constructed by MHADA under Pantpradhan Anudan Prakalp on foreshore lands, occupied and traditionally used by the fisherfolk of Dharavi Koliwada, again seeking finalisation of the outer boundary along with recognition of extended land rights for the Koli community.

27. Learned counsel for the petitioner contended that the unauthorised constructions that had been carried out by MHADA

on Mahim Creek lands, falling within the boundary area of Dharavi Koliwada particularly on Survey Nos. 343 and 347, are so constructed without proper documentation and consultation with the community and without proper survey and finalising of the demarcation of the outer boundary of Dharavi Koliwada. According to the petitioner several representations have been made and objections were raised before various authorities from 15<sup>th</sup> November, 2008 right upto 30<sup>th</sup> December, 2025 but no response has been received.

28. The petitioner, through an advocate, issued a notice dated 27<sup>th</sup> January 2026 to the respondent Nos.1 to 4, inter alia, bringing to their notice (i) the illegal handing over of the said lands and buildings/structures standing thereon, in and around the Dharavi Koliwada, by the housing societies of employees of GRP, MTNL, BMC, BEST, ONGC, and AEML to respondent No.4 and respondent No.4 proceeding to put up corrugated tin sheets and barricade the said lands/buildings/structures without the concerned authorities of respondent No.1 first ascertaining, demarcating, finalising and incorporating the outer boundary of

Dharavi Koliwada in the Development Plan-2034; (ii) further calling upon them to direct respondent No.4 to cease, desist, and restrain the illegal handing over of possession of the said lands by the societies of GRP, MTNL, BEST, BMC, ONGC, and AEML to respondent No.4; (iii) to restrain Respondent No.4 from taking over possession of the said lands without any authority and/or Government Notification/Resolution; and (iv) to direct the concerned authority/officials of respondent No.1 to undertake/conduct a proper and complete survey of the entire land from "Y" junction (Mahim-Sion Link Road and Dharavi Main Road) to "T" junction (Sion-Bandra Link Road to Mahim-Sion Link Road), including Dharavi Main Road, Khambadev Temple, Khambhadev Temple Road and Sant Kakkayya Road up to St. Anthony Church and Good Shepherd Church which have been left out in the survey conducted between 12<sup>th</sup> and 15<sup>th</sup> November, 2018 (Exhibit-"F-1"), within 10 days from receipt of the said notice, under intimation and notice to the petitioner, failing which the petitioner would be constrained to initiate legal proceedings for redressal of its long-standing grievances and seek justice.

29. The respondent No.4-Developer by its letter dated 9<sup>th</sup> February, 2026, responded to the petitioner's advocate's notice, informing that it was a SPV company formed for redevelopment and implementation of DRP; the implementation of the Scheme is under the provisions of the Slum Act and DCPR, 2034 and denied any illegal handing over of possession of land and structures/buildings and further mentioned that it is in the process of barricading the premises of the aforesaid buildings.

30. The respondent No.2-DRP/SRA by a letter dated 3<sup>rd</sup> December 2025 informed the petitioner of the following which is extracted as under :-

(i) the Urban Development Department vide Resolution No. TPB 4314/810/Pra.Ka.203/ 2014/NaVi-11/dated 3<sup>rd</sup> March, 2016, had approved Dharavi Notified Area and an area of 23,665.64 square meters of Dharavi Koliwada was excluded therefrom;

(ii) the Collector, Mumbai, had on 14<sup>th</sup> October, 2024, submitted his report in respect of demarcation of (boundary) Dharavi Koliwada to the Additional Chief Secretary (Revenue) who in a meeting held on 7<sup>th</sup> October, 2024, had directed that a high level Committee

to take appropriate decision and further that the work in that regard is in progress;

(iii) that vide Resolution No. TPB 4314/810/Pra.Ka. 203/2014/navi-11/dated 3<sup>rd</sup> March, 2016, Maharashtra Nature Park was excluded from the Master Plan of DRP;

(iv) that vide G. R. dated 4<sup>th</sup> October, 2024, an independent Committee in respect of Religious places in the DNA is constituted and the work in regard is in progress;

(v) that various public facilities have been planned in the Master Plan prepared by the SPV (i.e. respondent No.4); and

(vi) that GRP, BEST, AEML and ONGC have legally handed over possession to NMDPL (respondent No.4).

31. Thus, the upshot of the petitioner's contention is that the lands traditionally used by the fisherfolk community for fishing related activity should be excluded from the DRP. The housing societies/buildings of various authorities mentioned hereinbefore are standing on lands which were traditionally used by the fisherfolk and therefore these agencies have illegally handed over the possession of their buildings and lands to respondent No.4. In

any case it is submitted that even before the survey can be completed by the concerned authorities under the MLRC, the work in respect of the DRP is progressing to the detriment of the petitioner.

32. Our attention is invited to a communication dated 7<sup>th</sup> April, 2026 addressed by the Revenue and Forest Department to the SRA, Collector, Mumbai and the concerned authorities that the meeting in respect of the demarcation of the boundaries is scheduled on 8<sup>th</sup> April, 2026. It is the submission of learned counsel for the petitioner that the respondents have not adhered to the procedure prescribed under the provisions of Chapter III of the MRTP Act. It is therefore submitted that the respondent No.4's taking possession of and proceeding to barricade the lands/buildings/structures in Dharavi Koliwada is tantamount to respondent Nos.1 to 3's allowing respondent No.4 to undertake development in Dharavi Koliwada, which is an activity contrary to and in violation of Regulation 33(16) of DCPR 2034.

33. On the other hand, Mr. Ravindra Kadam, learned Senior Advocate appearing for the respondent No.4, Ms. Sabharwal,

learned counsel appearing for the respondent No.2, Mr. Milind More, learned Additional Government Pleader appearing for the respondent No.1 and Ms. Ghuge, learned counsel appearing for the Corporation, opposed the petition. It is submitted that the petitioner has no locus to maintain the petition. It is further submitted that this petition is highly belated and that too without challenging the DRP of the DNA which was sanctioned to take effect from 17<sup>th</sup> March, 2016 under Government Notification dated 3<sup>rd</sup> March, 2016 published at page Nos.181 and 182 in part I of Maharashtra Government Gazette dated 17<sup>th</sup> March 2016. Reliance is placed on the map which was produced by the petitioner to indicate that the lands in respect of which the exclusion is sought by the petitioner from the DRP have existing buildings, as admitted by the petitioner themselves, and that the entire area is covered by slums. It is submitted that the petitioner's insistence for a demarcation of the boundaries at such a highly belated stage is without any authority of law as the SRA, which is competent authority to carry out this exercise, has already done so after following the due procedure laid down in the Slum Act. The book

titled 'Dharavi Notified Area, Planning Proposals' is relied upon, which is in public domain. The same is taken on record and marked as Exhibit "X" for identification. There is no objection by any of the parties to the reliance placed on this book. The same has been certified by the CEO of the SRA.

34. We have heard learned counsel for the petitioner as well as the learned counsel for the respondents at length. We have considered the materials on record.

### **CONSIDERATION**

35. In the context of the submissions made by the learned counsel, it would be useful to make a detailed reference to the book titled 'Dharavi Notified Area, Planning Proposals' for properly appreciating the controversy. The Dharavi Redevelopment Project viz. DRP was sanctioned to take effect from 17<sup>th</sup> March, 2016 under Government Notification dated 3<sup>rd</sup> March, 2016 published at page Nos.181 and 182 in part I of Maharashtra Government Gazette dated 17<sup>th</sup> March, 2016. For the DRP of the slum scheme, a Planning Team comprising of senior officers including the Chief

Executive Officer and Officer on Special Duty, DRP/SRA was formed. The preamble of the DNA is significant to appreciate the need for the development of the said area. Clause 1 is the preamble, which needs to be extracted, reading thus :-

**“1. PREAMBLE**

**1.1 History of growth of Slum in Dharavi**

Dharavi, located on the northernmost tip of Mumbai island City, was the home of the Koli fishing community and the Mahim Creek was their source of fish and livelihood for centuries. Indeed, one of the Bombay Gazetteers mentions Dharavi as one of the ‘six great Koliwadadas of Bombay’.

The Portuguese were the first colonists to stake their claim to the seven islands of Bombay in the 16th century: they built a small fort and church at Bandra, on the opposite shore from Dharavi. The years passed, the Koli fishermen continued to fish in the Creek. The Riwa (Rehwa) Fort at Dharavi, locally known as ‘Kala Qilla’, was built in 1737 by the second British governor of Bombay, Gerald Aungier, on the banks of the Mithi River. It was part of the larger British-built Bombay Castle.

The growth of Dharavi is closely interwoven with the pattern of migration into Bombay. The first people to settle there did so because the land, mainly used as an informal rubbish dump, was free and unregulated. The marshy land slowly grew more solid but even till the mid-1900s, parts were so wet, people had to build foot-bridges to cross over.

By end-1800s, the potters from Saurashtra were relocated here and set up their colony (Kumbharwada), as also the Muslim leather tanners from Tamilnadu (because of the proximity of the abattoir in Bandra). Artisans and embroidery workers from Uttar Pradesh started the readymade garments trade, and Tamilians set up a flourishing business, making savories and sweets. This way, Mumbai being the commercial capital of the country with unlimited opportunity for employment attracted people from all parts of the country, irrespective of region, caste, religion. Most of the land in Dharavi is owned by government and government agencies and

so was the most suitable for the migrants to encroach and setup informal settlement. Dharavi thus became an amazing mosaic of villages and townships from all over India belonging to different religions, languages, and entrepreneurs, all surviving shoulder to shoulder.

As long as Dharavi was on the edge of the city, the main city was not affected much by the squatters and their activities. But as Mumbai expanded northwards and its population grew with new industries, the pressure on land increased, and Dharavi was drawn into the heart of the city. Once Dharavi was a swamp, fishing village. Today it is a slum or rather collection of slums.

Majority of land ownership was with Govt. and Municipal Corporation of Greater Mumbai (MCGM). Slum dwellers squatted on these lands and built hutments in haphazard manner. An Act called the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 was passed. Improvement works were defined therein. A census of hutments was carried out in 1976 and photo-passes were issued to slum families. Its people were provided with taps, toilets and electrical connections as part of slum improvement measures. The Sion-Mahim Link road, the 60 feet and 90 feet roads, were all built around this time; sewer and water lines were laid down. Transit Camps were built to relocate people whose homes came in the way of new roads and other infrastructural projects.

## **1.2 Past programmes of Government to develop Dharavi**

In early part of 1985, the then Prime Minister Late Shri Rajiv Gandhi earmarked / sanctioned Rs.100 crores for the improvement of infrastructure and housing for the whole Island city of Bombay, and a third of that sum was reserved for Dharavi. The Prime Minister's Grant Project (PMGP) was initiated in 1987 and Maharashtra Housing and Area Development Authority (MHADA) was declared as Special Planning Authority (SPA) for Dharavi. Under the project about 27 buildings with number of houses were built thereby giving shelter to good number of families.

Later on, after the year 1995, under the Slum Rehabilitation Scheme (SRA) 86 Schemes were approved in Dharavi in the period upto 2004. Majority of the Schemes were based on TDR (Transferred Development Rights) and the TDR

generated from these projects were sold for use outside Dharavi. Most of the schemes under SRA were along the major developed roads of Dharavi. No major S.R Schemes were proposed in the interior part of Dharavi due to inadequate access and also due to the presence of larger number of commercial / industrial units. These schemes were scattered in whole of Dharavi and buildings were coming up in sporadic manner along the existing roads. The SRA schemes lacked the much needed emphasis on holistically planned urban development including development of new roads, water and sewerage and other amenities. Major part of Dharavi remained in undeveloped and unhygienic condition.

### **1.3 Renewed Initiative of Government to develop Dharavi**

Government of Maharashtra in the year 2003-04 decided to redevelop Dharavi as an integrated planned township and an action plan for implementation of Dharavi Redevelopment was approved by its G.R. dtd. 04.02.2004. It was decided to develop it by using land as resource to cross-subsidize the cost of development through sale component on the basis Slum Rehabilitation Scheme by dividing it into sectors and by appointing developers for the same. Government also decided to notify the whole of Dharavi as undeveloped area and to appoint a Special Planning Authority for planning and development.

Government in Urban Development Department (UDD) accordingly notified the lands admeasuring about 178.30 Ha bounded as : on or towards North by Sant Rohidas Marg (Sion-Bandra Link Road), on or towards North-West by Mithi River (Creek)/Mahim Creek, on or towards North-East by Junction of Sant Rohidas Marg and L.B.S. Marg, on or towards East by Central Railway Tracks, on or towards South-East, West and South-West by Western Railway Harbor Tracks as the Dharavi Notified Area (DNA) under its notification no. TPB 4034/322/CR-56/04/UD-11, dtd. 09.03.2005 and appointed Slum Rehabilitation Authority an authority constituted under Section 3A of Maharashtra Slum Areas (I. C. & R.) Act, 1971 as Special Planning Authority (SPA) for that area under sub Section 1(b) of Section 40 of M.R. & T.P. Act, 1966. The Notification is Annexed as Annexure – I.

Similarly, Government in U.D.D. notified the lands admeasuring about 62.05 Ha bounded as: on or towards North

and North East by the Boundary of 'H' Block of Bandra Kurla Complex (BKC), on or towards East by Refuse Transfer Station outside 'H' Block area as per planning proposal of BKC sanctioned under notification No.BKR-1177/262/UD-5 dated 9th April 1979, on or towards South-East by L.B.S. Marg, on towards South by Southern boundary of Sant Rohidas Marg, on or towards South-West and West by Western boundary of C.S. no. 665 (Piwala Bungalow) and boundary of 'H' Block of BKC by including existing Rajeev Nagar as Dharavi Notified Area under its Notification no. TPB 4308/3499/CR-83/09/UD-11, dtd. 25.06.2009 and appointed SRA as the Special Planning Authority for the same under sub Section 1 (b) of section of 40 of the M.R. & T.P. Act, 1966. The Notification is Annexed as Annexure – II.

Plan showing the Dharavi Notified Area is enclosed herewith as Plan No. 1.”

36. It is then pertinent to note that the book refers to the present status of the development. Being appointed as Special Planning Authority under the MRTP Act, 1966 for DNA, it is the statutory duty of DRP/SRA to submit Planning Proposals to the Government of Maharashtra to take suitable measures for development of the area. In order to prepare the planning proposal under Section 40(3)(d) read with Section 115 of the MRTP Act, surveys were carried out to prepare the existing land-use map and socio-economic study of the area. Accordingly, surveys were carried out through M/s. Prashant Survey which was completed on 3<sup>rd</sup> May, 2005. Later during 2007-2009 Mashal Survey was

initiated to prepare computerized cadastral plan showing each existing hut, amenities and infrastructure and to update the existing survey maps within sector-5 prepared by M/s. Prashant Survey. Unit of survey taken by Mashal were cluster and sub-clusters within sectors. In the G.R. dated 4<sup>th</sup> February 2004 it is stated that Dharavi will be developed as an integrated holistic township by undertaking sectoral development. Initially there were 9 sectors but finally, it was decided to divide DNA into 5 sectors and the sector boundaries are based on the major arterial roads of proposed road network which is proposed for meeting the traffic and transportation needs. These sector boundaries of 5 sectors are marked on Plan no.2. These sectors were sub-divided into 97 clusters and 190 sub-clusters for the purpose of the survey. These clusters are locally recognized as Nagars/wadas/societies. Mashal Survey completed their work on 15<sup>th</sup> June 2009. The structures which were taken into account are marked on the plan showing their respective users such as Residential (R), Residential cum Commercial (R+C), Commercial (C), Industrial (I) and Amenities such as school, hospital, police station, police chowky, gymnasium

and religious structures. The amenity structures which were in temporary slum structures are marked on the plan and treated as residential structures for eligibility purpose. The said survey plan shows the existing roads, open spaces, natural features, etc. also. Thus the Existing Land Use Map of Dharavi is prepared and available for analysis and planning of the future development, a copy of which is enclosed as Plan no.2 to the said book.

37. It is further seen that LEA International Ltd. Canada, in joint venture with LEA Associates South Asia Pvt. Ltd. New Delhi, was appointed by DRP/SRA to undertake Traffic and Transportation Study to provide initial advice from a transportation perspective during 2007–08. It reviewed and analyzed the existing systems and proposed new systems including new roads, widening of existing roads, pedestrian facilities to allow safe circulation within Dharavi and to external locations.

38. It is significant to note that the aspect as to which property should be excluded was also taken into consideration. Within DNA, there are many private properties which are already

developed or in the process of development and therefore they were not required to be included in the redevelopment project. All these properties were excluded from DRP area. Also, land belonging to Railways and Central Government has been excluded. 77 Slum Rehabilitation Schemes were in progress within DNA. All these properties have been marked as excluded properties, after collecting details from the respective authorities. However, if they desired to include the excluded area in the project area, they had the option of becoming a part of integrated development to be carried out by developer appointed for execution of the redevelopment plan, by making an application to DRP/SRA. A plan showing the excluded properties is numbered as Plan no.3. Annexure-III contains the details of the excluded properties as per the details collected from SRA, MCGM and as per the survey carried out by Mashal. The DRP area has thereafter been worked out as the DNA land excluding the excluded land/properties.

39. The Planning proposal is for the whole of DNA. A detailed exercise was then carried out regarding existing land use analysis,

area of slum structures, Commercial and Industrial, Home Based activities as Dharavi has substantial number of various manufacturing units. Large population is involved in commercial and industrial activities like Leather, Garment, Pottery, Food processing, Plastic recycling etc., mostly in the informal sector. The existing civic amenities are then set out, including the details of 26 schools in Dharavi which are run in temporary slum structures. It is found that Kamraj School in sector – 3 is the only school which is a legal structure falls in excluded area. The students are crammed in small rooms with inadequate space and with no play ground facilities. There is severe shortage of public health care facilities in Dharavi area. Only one Municipal Hospital exists in sector-3 as a branch of Lokmanya Tilak General Hospital of Sion. Major hospitals like Lokmanya Tilak General Hospital at Sion and KEM hospital at Parel are the nearest hospitals catering to the medical needs of people living in Dharavi. There are many community welfare halls constructed by Mumbai Slum Improvement Board under the MLA funds but they are of different sizes, and are used by respective neighbourhood localities for get-

together purpose or for community and family functions like marriages etc. Public toilet blocks are seen everywhere, constructed under Slum Improvement Programme but they are inadequate in number and maintenance is poor.

40. It is specifically mentioned in the book that at present Koliwada is an excluded area from the DRP Area. The details of the properties/areas excluded from DRP in sector 1 to 5 are set out in Annexure-III. Relevant is Serial No.27 in sector-4 which describes Koliwada as the excluded area which works out to 23665.64 sq. mtrs. This excluded portion of Koliwada is shown in Plan No.3.

41. The plans which are prepared include Plan No.1 viz. DNA Plan; Plan No.2 viz. Existing Land Use Plan of Dharavi; Plan No.3 which is the Excluded Properties Plan; Plan No.4 which is plan showing sectors and slum rehabilitation area/DRP Area; Plan No.5 which is land ownership plan; Plan No.6 which is proposed road network plan; Plan No.7 viz. Proposed land use plan of Dharavi; Plan No.7A which is the proposed land use plan of Sector 1; Plan

No.7B viz. Proposed land use plan of Sector 2; Plan No.7C viz. Proposed land use plan of Sector 3; Plan No.7D viz. Proposed land use plan of Sector 4; Plan No.7E viz. Proposed land use plan of Sector 5; Plan No.7F viz. Proposed amenity plan of Dharavi, Plan No.8 is the existing water supply plan; Plan No.9 is the proposed water supply plan; Plan No.10 is the existing sewerage plan; Plan No.11 is the proposed sewerage plan.

42. The Government of Maharashtra sanctioned the planning proposals for DNA under Section 115(3) read with Section 40(3) (d) of the MRTP Act on 3<sup>rd</sup> March 2016. It is pertinent to note that a plan and the report of sanctioned planning proposals was kept open for the inspection by the general public during the office hours on all working days at the offices mentioned in the notification. The notification was also published on the Government website. It would be material to set out the notification dated 3<sup>rd</sup> March, 2016 which states the procedure followed, culminating in sanctioning of the planning proposals for DNA.

“Maharashtra Regional & Town Planning Act, 1966.

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Sanction to Planning Proposals for Dharavi Notified Area under Section 115(3) of Section 40(3)(d) of the Act.

**GOVERNMENT OF MAHARASHTRA**

Urban Development Departement

Mantralaya, Mumbai-400 032.

Dated : 3<sup>rd</sup> March 2016.

**No. TPB 4314/810/CR-203/2014/UD-11**

Whereas, the State Government in the Urban Development Department vide Notification No.TPB-4385/40198/CR-776/85/UD-5, dated the 26<sup>th</sup> May 1987 has sanctioned a Revised Development Plan for Dharavi Area from “G” North Ward under the provisions of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) (hereinafter referred to as “the said Act”);

And whereas, the Government of Maharashtra considered that the area from “G” North Ward, known as “Dharavi Area” was in undeveloped condition and needed to be developed in a comprehensive manner; and whereas in order to take urgent and appropriate steps for the said development, the Government of Maharashtra vide Notification Urban Development Department No.TPB 4387/1798/CR-317/87UD-5, dated 3<sup>rd</sup> June 1987 appointed the Maharashtra Housing and Area Development Authority as the Special Planning Authority for planning and development of Dharavi Area more specifically defined in the Schedule appended thereto.

And whereas, for the Dharavi Area, the Government of Maharashtra in Housing and Special Assistance Department vide Notification No.SRP.1095/CR-37/Housing Cell, dated 16<sup>th</sup> December 1995 appointed “Slum Rehabilitation Authority” under the provisions of section 3A of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 for Slum Redevelopment :

And whereas, the Maharashtra Housing and Area Development Authority by Resolution No.5382 of 14<sup>th</sup>

December 1998, has requested the State Government to denotify Maharashtra Housing and Area Development Authority as a Special Planning Authority for Dharavi Area.

And whereas, the Government of Maharashtra, in Housing Department vide Government Resolution No. झोपुयो २००३/प्र.क्र.१८९/झोपसु-१अ, dared 4<sup>th</sup> February, 2004 (hereinafter referred to as “the said Resolution”) has decided to implement Dharavi Development Action Plan and to declare “Slum Rehabilitation Authority” as Special Planning Authority for the said Area.

And Whereas, the the State Government in Urban Development Department vide Notification No.TPB 4303/322/CR-56/04/UD-11, dated 9<sup>th</sup> March 2005 has appointed Slum Rehabilitation Authority as the Special Planning Authority (hereinafter referred to as “the said Authority”) for the planning and development of Dharavi Area namely Sector I to IV, more specifically defined in the Schedule therein, under sub-section (1B) of section 40 of the said Act (hereinafter referred to as “the said Notified Area”)

And Whereas, the the State Government in Urban Development Department vide Notification No.TPB 4308/3499/CR-83/09/UD-11 dated 25<sup>th</sup> June 2009, has appointed Slum Rehabilitation Authority as the Special Planning Authority for the planning and development of Dharavi Area namely Sector V, more specifically defined in the Schedule therein, under sub-section (1B) of section 40 of the said Act (hereinafter referred to as “the said Notified Area”)

And whereas, the said Authority has prepared the Draft planning proposals for the area notified vide Notification dated 9<sup>th</sup> March 2005 and 25<sup>th</sup> June 2009 (hereinafter referred to as “Dharavi Notified Area”) and published it in Maharashtra Government Gazette dated 8<sup>th</sup> March 2013 and Local Newspaper dated 9<sup>th</sup> March 2013;

And whereas, after hearing the suggestions/objections received on the Draft planning proposals of Dharavi Notified Area, the said Authority has submitted the planning proposals to the Government for sanction vide letter dated 17<sup>th</sup> June 2014, is pursuant of Section 115 as substituted by clause (d) of sub-section (3) of Section 40 of the said Act and made compliance vide letter dated 4<sup>th</sup> February 2015.

And Whereas, the State Government in pursuant of Section 115 as substituted by clause (d) of sub-section (3) of Section 40 of the said Act, has sanctioned part of the Planning Proposals vide Notification No.TPB 4314/722/CR-112/2014/UD-11 dated 6<sup>th</sup> September 2014;

And whereas, in pursuant of Section 115 as substituted by clause (d) of sub-section (3) of Section 40 of the said Act, after making necessary enquiries and after consulting the Director of Town Planning, Maharashtra State, Pune, the State Government has decided to sanction remaining Planning Proposals of Dharavi Notified Area with modifications as specified in SCHEDULE-A herein below,

Now therefore, in exercise of the power conferred by in pursuant of Section 115 a substituted by clause (d) of sub-section (3) of Section 40 of the sand Act, the Government hereby;

(A) Sanction the Planning Proposals with changes as described in the Schedule appended thereto.

(B) Fixes the date on which the Planning Proposals is published in the Official Gazette, as the date on which the said sanctioned Planning Proposals shall come into force.

A plan and Report of sanctioned Planning Proposals shall be kept open for the inspection by the general public during the office hours on all working days at the following offices :-

(1) Officer of the Dharavi Redevelopment Project, Slum Rehabilitation Authority, Griha Nirman Bhavan, Bhandra (East), Mumbai-400051.

(2) Officer of the Chief Engineer (Development Plan) Municipal Corporation of Greater Mumbai, Mahapalika Marg, Mumbai-40001.

(3) Office of the Deputy Director of Town planning, Greater Mumbai having his office at ENSA Hutment E-Block, Azad Maidan, Mahapalika Marg, Mumbai-400001.

This Notification shall also be published on the Government website [www.maharashtra.gov.in](http://www.maharashtra.gov.in) ”

43. It is thus seen that the planning proposals have been sanctioned with changes as described in the Schedule appended to the Notification dated 3<sup>rd</sup> March 2016 after following the procedure laid down by law and after hearing the suggestions/objections received on the Draft planning proposals of DNA. It is pertinent to mention here that the petitioner has not challenged the Notification dated 3<sup>rd</sup> March 2016.

44. Even as per the book of planning proposals for DNA which we have extensively referred above, Dharavi undoubtedly was the home of the Koli fishing community and the Mahim Creek was their source of livelihood for centuries. However, Dharavi, which was once a swamp and a fishing village, is now a slum or rather a collection of slums. Even the petitioner has stated that Dharavi is an agglomeration of slums. Majority of the land ownership was with the Government and Municipal Corporation of Greater Mumbai (MCGM). Slum dwellers squatted on these lands and built hutments in haphazard manner. The Government of Maharashtra, in the year 2003-04, decided to redevelop Dharavi as

an integrated planned township and an action plan for implementation of Dharavi Redevelopment was approved by its Government Resolution dated 4<sup>th</sup> February 2004. After an elaborate exercise by the Government which included its surveys, existing land use analysis and after giving due consideration to the existing civic facilities, Commercial and Industrial, Home Based activities in Dharavi, the planning proposals for DNA were sanctioned by Notification dated 3<sup>rd</sup> March 2016.

45. As indicated earlier, the Gaothan area of the Koliwada to the extent of 23665.64 sq. mtrs. has already been excluded from the DRP. Mr. Ravindra Kadam, learned Senior Advocate relied on the map which was produced by the petitioner to demonstrate that the DNA comprises of various buildings/housing societies of employees of GRP, MTNL, BMC, BEST, ONGC and AEML. This is admitted by the petitioner as well. Moreover, buildings constructed by MHADA also form a part of the area claimed by the petitioner for their traditional activities. These buildings were constructed many years back. It is the petitioner's case in

paragraph 29 of the petition that the petitioner objected to the proposed handing over the possession of the MHADA buildings and other buildings to the respondent No.4 on the ground that the said buildings stood on land traditionally being used by the Kolis of Dharavi Koliwada for fishing and allied activities. However, the petitioner never raised an objection when the buildings were constructed and it is only after the buildings were demolished as a consequence of the Notification dated 3<sup>rd</sup> March 2016 for the purpose of the DRP that the petitioner has now objected to the barricading on the plea that no development activity can be permitted on such lands as they claim exclusive user for carrying out traditional fishing activities. Such a claim of the petitioner at this juncture is highly belated and clearly untenable.

46. We do sympathise with the Koli community, for even as per the planning proposals, Dharavi was the home of Koli fishing community and as per the report, even till the mid-1900s, the parts of Dharavi were so wet, that people had to build foot-bridges to cross over. As per the book, most of the land in Dharavi is owned by government and government agencies and thus, it was

most suitable for the migrants to encroach upon and setup informal settlement. When the programme was initiated by the Government to develop Dharavi in the early part of 1985, Dharavi had already turned into a slum or rather a collection of slums. The Government took the initiative to develop Dharavi by using land as resource to cross-subsidize the cost of development through sale component on the basis of Slum Rehabilitation Scheme by dividing it into sectors and appointing developers for the same. Accordingly, Government decided to notify the whole of Dharavi as an undeveloped area and to appoint a Special Planning Authority for its planning and development. Thus, even on the basis of the materials on record, as a result of the construction of housing societies on the land parcel which the petitioner claims to have been traditionally used for fishing and allied activities and also as a result of slums mushrooming on these land parcels, the character of the land which was traditionally used by the Kolis of Dharavi Koliwada for fishing and allied activities underwent a complete change. It is for this reason that the plan for undertaking the development of Dharavi was put in place after following the

procedure laid down under the Slum Act as well as the MRTTP Act leading to the Notification dated 3<sup>rd</sup> March 2016 sanctioning the planning proposals. The area of 23665.64 sq. mtrs. comprising of Dharavi Koliwada is an area excluded from the DRP. Mr. Kadam, learned Senior Advocate for the respondent No.4 on instructions submitted that the barricading is only on the portion which is permissible and the development will not be carried out on the excluded portion of the Koliwada Gaothan viz. 23665.64 sq. mtrs.

47. Let us deal with the objection of the learned counsel for the petitioner that the State of Maharashtra had undertaken the exercise of conducting survey and prescribing the demarcation for Koliwadadas in Mumbai City and the Mumbai Suburban District at par with Gaothans since the boundaries of Koliwada did not reflect in the land records and hence the development be stalled till this demarcation is complete. Such demarcation was required to be carried out in accordance with the MLRC. It is the petitioner's case that since such a demarcation exercise is underway in respect of seven Koliwadadas (which includes Dharavi) across Mumbai and the

Mumbai Suburban District, the DRP should be stalled till such demarcation and survey is complete. We are afraid that this argument of learned counsel for the petitioner is completely misconceived. The exercise which the petitioner is referring to is in respect of all the seven Koliwadadas in Mumbai and Mumbai Suburban District for the purpose of demarcating the outer boundaries of the Koliwadadas as per the MLRC. However, so far as Dharavi is concerned, a detailed survey has already been conducted in view of the proposed development of the slum in accordance with the procedure prescribed by the Slum Act. It is consequent to the issuance of the Notification dated 3<sup>rd</sup> March 2016, granting sanction to the planning proposals for DNA under the MRTP Act, that the DRP is in progress. There is no challenge to the Notification dated 3<sup>rd</sup> March 2016. We are inclined to hold that the attempt on the part of the petitioner to stall the development on the ground that the outer boundaries of the Koliwada are not demarcated in terms of the procedure prescribed by the MLRC, at such a belated stage, is in the teeth of the Notification dated 3<sup>rd</sup> March 2016. Merely because the petitioner

has been making repeated representations to the authorities for demarcating the outer boundaries of the Dharavi Koliwada, in our considered view, cannot be a valid ground for grant of any relief in favour of the petitioner. It is however open for the petitioner to pursue their representations with the authorities under the MLRC which they have so far resorted to.

48. Since learned counsel for the petitioner was at pains to stress upon the importance of the survey qua the petitioner, at the cost of repetition, what we gather from the pleadings of the petitioner is that the Government of Maharashtra has taken a decision to conduct the survey and fix the outer boundaries of all the seven Koliwadadas in the State of Maharashtra. However, so far as the Dharavi Koliwada is concerned, once the slum scheme has been implemented and the DRP has been sanctioned after following the procedure prescribed by law, the very foundation of the petitioner's case that the redevelopment has to be stalled till the survey is conducted in terms of the general directions issued for demarcating the outer boundaries of all the seven Koliwadadas in Mumbai and Mumbai Suburban District in so far as Dharavi

Koliwada is concerned, must fail.

49. We find that the petitioner is mixing up the issue of general directions for demarcation of the outer boundaries of all the seven Koliwadadas in Mumbai and Mumbai Suburban District with that of the Dharavi Koliwada for which the planning proposal has been sanctioned in terms of the provisions of the Slum Act and the MRTP Act by the Notification dated 3rd March 2016 which has attained finality.

50. It is significant to note that over a period of time, the lands which the petitioner claims to have been used for traditional fishing and allied activities, has already lost its character as such as the same was subject matter of encroachments and agglomeration of slums. As a result of the demolition of the buildings which were handed over to the respondent No.4, the lands became vacant and have been barricaded for development purpose. This can be no reason for the petitioner to stake a claim over these lands at this stage as this would completely frustrate the DRP.

51. Factually, it is not disputed by the petitioner that the

building structures of the housing societies have been handed over voluntarily to respondent No.4 as they want to be a part of the DRP. The petitioner's case is that such handing over is illegal since the buildings standing on the said portion of land ought to form a part of Dharavi Koliwada. It is significant to note that nothing has been pleaded as to what action the petitioner has taken over the years against such societies when the buildings were being constructed. Now that the housing societies, which have been in existence for so many number of years, want to be a part of the DRP, having handed over the lands and buildings standing thereon to the respondent No.4, cannot create a ground for the petitioner to claim a right over these lands at such a belated juncture.

52. The petitioner claims that as per the measurement and inspection carried out by the officials of the Fisheries and City Land Survey Department of the Government of Maharashtra, the area of 2,00,830 sq. mtrs. forms a part of Dharavi Koliwada. There is no material to indicate that the land admeasuring 2,00,830 sq. mtrs. is presently situated on an open parcel of land utilised for fishing and allied activities by the Koli community. It may so have

been in the past, several years ago, and even as per the certified book of DNA, the entire Dharavi area was a Koliwada. The materials on record demonstrate that DNA, which covers the portion of 2,00,830 sq. mtrs. as well, has been encroached by slums/structures. It is precisely for the reason of developing the area of Dharavi covered by the slums that the provisions of the Slum Act and the MRTP Act were triggered. In any case, the area of 2,00,830 sq. mtrs. is a part of the DRP, sanctioned by virtue of the Notification dated 3<sup>rd</sup> March 2016.

53. Learned counsel for the petitioner submitted that what the petitioner wants is only a finalisation of the demarcation of the outer boundaries of Koliwada traditionally used for fishing and allied activities, in terms of the exercise undertaken by the Fisheries and City Survey Department, and till this exercise of identifying the boundaries is complete, no development be undertaken on this portion admeasuring 2,00,830 sq. mtrs. We are afraid that it is too late in the day to canvass such a submission. As indicated earlier, this submission is in the teeth of the exercise undertaken by the State of Maharashtra and the SRA

under the Slum Act, Development Control and Promotion Regulations, 2034 leading to the issuance of the notification by the State of Maharashtra dated 3<sup>rd</sup> March 2016 under the provisions of the MRTP Act.

54. There is no challenge to the Notification dated 3<sup>rd</sup> March 2016 which has attained finality and even as 10 years have passed since the issuance of the notification, the redevelopment work is in progress. To interfere at the instance of the petitioner at such a belated juncture would amount to an unwarranted exercise of the extraordinary writ jurisdiction of this Court.

55. We have extensively reproduced the relevant portions of the book titled 'Dharavi Notified Area, Planning Proposals' in the earlier part of this judgment which demonstrates as to how Dharavi, a traditional fishing hub of the Koli community, became a collection of slums. There is absolutely no challenge to these materials on record leading upto the issuance of Notification dated 3<sup>rd</sup> March 2016. The State of Maharashtra has followed the procedure under the relevant provisions of law while finalising the DRP. The development has commenced. Rights have been created

in favour of various stakeholders like the housing societies, who have already handed over the possession to respondent No.4 being a part of DRP.

56. With the passage of time and the manner in which Dharavi became a cluster of slums, it is not now open for the petitioner to claim exclusive rights for fishing and allied activities on this area of 2,00,830 sq. mtrs. merely on the basis that the survey by Fisheries and City Survey office is not finalised or on the ground that in the past these lands were traditionally used for fishing and other allied activities. We still leave it open for the petitioner to pursue their representations with the concerned authorities in respect of the survey conducted by the land records office. We would have hesitated to answer the impact of the survey by the Fisheries Department and the City Survey office on the present DRP; however the very foundation of the petition is that till such survey is complete, the development work in the area of 2,00,830 sq. mtrs. should not proceed. Hence we are constrained to opine that such a survey would hardly be of any consequence once the Notification dated 3<sup>rd</sup> March 2016 issued by the State of

Maharashtra has attained finality and holds the field and when such development pursuant to the Notification has commenced.

57. We therefore do not find any merit in this petition. Leaving the liberty of the petitioner open to pursue the representation/s made to the State of Maharashtra/City Survey office for demarcation of boundaries, the petition is dismissed. No order as to costs.

**(S. M. MODAK, J.)**

**(M. S. KARNIK, J.)**