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महाराष्ट्र राज्य मानवी हक्क आयोग



**Maharashtra State Human Rights Commission
(MSHRC)
Mumbai**

Allotted to Court No. : 1/ 2/ 3

DOCKET SHEET

SVO MOTU CASE NO: 1210 /13/16 /2023

News item appeared in Marathi News Paper "पुढारी(my मुंबई) "

On 06 .03 .2023, in respect of " म्हाडाच्या भूखंडावर समाज कटकांचा कब्जा "

SUMMARY

पुढारी (my मुंडई)

6-3-2023 Page 1

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गो.स.स.स.

DRP

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म्हाडाच्या भूखंडावर समाजकंटकांचा कब्जा

तोडलेल्या झोपड्यांची डागडुजी करून भाड्याने देण्याचा गोरखधंदा सुरू

धारावी : पुढारी वृत्तसेवा

पुनर्वसन करून मोकळा केलेला म्हाडाचा भूखंड सध्या स्थानिक समाजकंटकांच्या कब्ज्यात सापडल्याचे धक्कादायक वास्तव समोर आले आहे. संबंधित प्रशासनाचे याकडे दुर्लक्ष होत असल्याने येथील मूळ रहिवासी धास्तावले आहेत.

काही वर्षांपूर्वी उपजिल्हाधिकारी पथकाने धारावी शताब्दी नगरमधील शेकडो झोपडीधारकांचे सर्वेक्षण करून यात्रे झोपडीधारकांचे धारावी पीएमजीपी कॉलनीत बांधण्यात आलेल्या टॉवरमध्ये पुनर्वसन करून



त्यांच्या झोपड्या तोडल्या. या अर्धवट तोडलेल्या झोपड्यांच्या भूखंडाकडे म्हाडाचे दुर्लक्ष होताच काही दिवसांतच स्थानिक समाजकंटकांनी या अर्धवट तोडलेल्या झोपड्यांची तात्पुरती

डागडुजी करून भाड्याने देण्याचा गोरखधंदा सुरू केला.

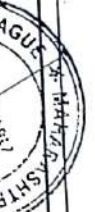
या झोपड्यांना डिपॉझिट नसल्याने मोठ्या प्रमाणात परराष्ट्रीय राहण्यास येत असल्याने भविष्यात

• या मूठभर समाजकंटकांचा गोरखधंदा चांगलाच फुलला असून ते प्रत्येक झोपडीधारकांकडून महिना साडेतीन हजार भाडे घेत असून यात वीज व पाण्याचे अधिकचे पैसे ते आकारत आहेत. तसेच या मोकळ्या भूखंडावर पत्र्यांची नवीन घरे बांधण्यात येत असल्याने या जागेत नवीन झोपडपट्टी उभी राहणार असल्याची चर्चा रहिवाशांमध्ये आहे.

कायदा सुव्यवस्थेचा प्रश्न निर्माण होण्याची शक्यता निर्माण झाल्याने म्हाडा प्रशासनाने अर्धवट तोडलेली सर्व घरे तात्काळ धुईसपाट करावी अशी मागणी होत आहे.

INWARD.2852/CR/2023
RECEIVED: 08/03/2023
CLERK: Aareb
REGISTRAR: 8-3-2023

झोपडपट्टी पुनर्वसन प्राधिकरण





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MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Maharaj Terminus, Mumbai – 400 001

Tel : 22092857 Email : court1-mshrc@mah.gov.in

KKT/Suo Moto Case No.– 1210/13/16/2023

Name of Respondent : 1 The Chief Officer
Maharashtra Housing Area and
Development Authority
Bandra, Mumbai

2 The Municipal Commissioner
Municipal Corporation of Greater Mumbai
Mumbai

Date : 8th March 2023

Coram : Justice K.K. Tated, Chairperson

PROCEEDING

Not on board. Taken on board.

1. We noticed news appeared in Marathi News Paper Pudhari (My Mumbai) dated 06.03.2023 on Page 1 with heading “म्हाडाच्या भूखंडावर समाजकंटकांचा कब्जा; तोडलेल्या झोपड्यांची डागडुजी करून भाड्याने देण्याचा गोरखधंदा सुरू”.

2. Bare reading of the said news shows that earlier Mumbai Housing and Area Development Authority demolished unauthorized structures and provided alternate accommodation to the eligible occupants. At that time it remained on the part of Mumbai Housing and Area Development Authority to demolish each and every structure. Taking benefit of the same, now the peoples started re-construction of the same. This shows that Mumbai Housing and Area Development Authority failed and neglected to safeguard their own property.

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3. Considering the fact that human rights are affecting of the several persons, because Mumbai Housing and Area Development Authority is providing alternate accommodation to the eligible occupants and same goes from the income of the general public, Commission decided to take up this issue as Suo Moto complaint under Section 12 of The Protection of Human Rights Act, 1993. Hence, following order is passed:

a) Office is directed to issue summons to the Chief Officer, Mumbai Housing and Area Development Authority calling upon him to hold fact finding inquiry and submit the reply in respect of news appeared in Marathi News paper Pudhari (My Mumbai) dated 06.03.2023 including following points:

- i. Copy of survey made by Mumbai Housing and Area Development Authority of the said land.
- ii. When Mumbai Housing and Area Development Authority demolished unauthorized construction from the said area?
- iii. List of the persons to whom Mumbai Housing and Area Development Authority provided alternate accommodation.
- iv. Whether Mumbai Housing and Area Development Authority prepared any report in 2023 showing names of the occupants if any in the said plot of land including the area?

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- v. Why it remained on the part of the Mumbai Housing and Area Development Authority to demolish fully unauthorized construction earlier?
 - vi. What is the area of the said plot?
 - vii. Road map of the Mumbai Housing and Area Development Authority to take vacant and peaceful possession of the said plot of land and how they are going to protect the same
 - viii. Is there any project of the Mumbai Housing and Area Development Authority on the said plot of land?
- b) Respondent to file their report on or before 28.03.2023.
- c) Office is directed to issue summons to the Municipal Commissioner, Municipal Corporation of Greater Mumbai, Mumbai calling upon him to file affidavit in reply on or before 28.03.2023.
- d) **Matter to appear on board before Division Bench of Justice K.K. Tated, Chairperson and Shri. M. A. Sayeed, Member in Court No.1 on 28th March 2023 at 11.00 a.m.**


(Justice K. K. Tated)
Chairperson



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Maharaj Terminus, Mumbai - 400 001

Tel: 22092857 Email: court1-mshrc@mah.gov.in

DIVISION BENCH Suo Motu Case No.- 1210/13/16/2023

3656

Name of Respondent

: The Chief Officer
Maharashtra Housing and Area
Development Authority, Mumbai

Municipal Commissioner,
Municipal Corporation of Greater
Mumbai, Mumbai

Date

: 21st June 2023

Coram

: Justice K.K. Tated, Chairperson
M.A.Sayeed, Member

ORDER

(Per: M. A. Sayeed, Hon'ble Member)

The present complaint is arising out of news article appearing in supplementary edition of 'My Mumbai' of Marathi newspaper 'Pudhar' with a story as to how on parcel of land owned by MHADA, unauthorized structures are coming up despite demolishing and removing it by MHADA.

2. Considering the gravity of the news by invoking powers u/s. 12 of the Act of 1993 notices were issued to Municipal Commissioner, MCGM, and Chief Officer, MHADA, with a direction vide para 3(a) of the order dated 08.03.2023 as under:

"3a) Office is directed to issue summons to the Chief Officer, Mumbai Housing and Area Development Authority calling upon him to hold fact finding inquiry and submit the reply in respect of news appeared in Marathi News

paper Pudhari (My Mumbai) dated 06.03.2023 including following points:

- i. Copy of survey made by Mumbai Housing and Area Development Authority of the said land.
- ii. When Mumbai Housing and Area Development Authority demolished unauthorized construction from the said area?
- iii. List of the persons to whom Mumbai Housing and Area Development Authority provided alternate accommodation.
- iv. Whether Mumbai Housing and Area Development Authority prepared any report in 2023 showing names of the occupants if any in the said plot of land including the area?
- v. Why it remained on the part of the Mumbai Housing and Area Development Authority to demolish fully unauthorized construction earlier?
- vi. What is the area of the said plot?
- vii. Road map of the Mumbai Housing and Area Development Authority to take vacant and peaceful possession of the said plot of land and how they are going to protect the same
- viii. Is there any project of the Mumbai Housing and Area Development Authority on the said plot of land?

3. In pursuance to the above noted directions, interim report on affidavit came to be placed by the respondents at Ex. 'A' & Ex. 'B'. On 09.06.2023, the Commission after hearing the Ld. Advocates for the respondents was pleased to issue following directions vide para 4(a) as under:

"4(a) Respondent No. 1 Mumbai Housing and Area Development Authority to file affidavit of concerned officer showing the current status of 354 patches of hutments where structures removed by them. Reply to be filed on or before 21.06.2023."

4. Accordingly, affidavit in reply vide Ex. 'C' dated 20.06.2023 came to be submitted by Shri P. D. Dhattrak, Exe. Engineer, MHADA, affirming and clarifying the issue vide para 2 & 3 as under:

"2. I say that there were 8 encroachers in the huts. I say that on 10th May, 2023 all the 8 encroachers of 8 huts have been removed.

3. I say that 851 huts are in cluster J of Sector V out of that 354 eligible slum dwellers have already been offered permanent alternate accommodation & they have been shifted to Building number 1. These 354 patches of hutments are vacant as of today & have not been encroached on by anybody as of today."

5. Thus it can be seen that the issue raised in the news article has been duly rectified, hence following order:

"ORDER"

a) Present Suo Motu case closed and disposed off with no order as to cost.

M. A. Sayeed
(M.A. Sayeed)
Member

K. K. Tated
(Justice K. K. Tated)
Chairperson