

**MAHARASHTRA ACT NO.
XXVIII OF 1971**

**Powers conferred on the
Chief Executive Officer, SRA
by
the Maharashtra Slum Areas
(Improvement, Clearance
and Redevelopment)
Act, 1971.**

*Modified and updated by
Ms. Vinaya Pulliwar, Law Officer, SRA, Pune.
for the exclusive use of
the Slum Rehabilitation Authority, Pune and Pimpri-Chinchwad Area, Pune.*

The Maharashtra Slum Areas (Improvement, Clearance & Redevelopment) Act, 1971, empowers the **Chief Executive Officer** of the Slum Rehabilitation Authority with the following powers, namely:-

Sec. Particulars-

2 Clause (ba) of section 2 defines the Chief Executive Officer as, “**Chief Executive Officer**” means a Chief Executive Officer of the Slum Rehabilitation Authority appointed under sub-section (2) of Section 3A;

3B Slum Rehabilitation Schemes.-

(3). The Chief Executive Officer of the concerned Slum Rehabilitation Authority shall, within sixty days consider the objections and suggestions, if any, received within the specified period in respect of the said draft general Slum Rehabilitation Scheme or any draft amendment to the general Slum Rehabilitation Scheme and after considering the same and after carrying out such modifications as deemed fit or necessary, finally publish the said the general Slum Rehabilitation Scheme or such amendment to it, with the approval of the State Government, in the *Official Gazette*.

(5) The Slum Rehabilitation Scheme so notified under sub-section (3) shall, generally lay down the parameters for declaration of any land as the Slum Rehabilitation Area and indicate the manner in which the rehabilitation of the occupants of the area declared as Slum Rehabilitation Area shall be carried out. In particular, it shall provide for all or any of the following matters, that is to say,-

(f) provision relating to allotment of tenements either in-situ or otherwise, on ownership or on rent, to the other non-protected occupiers up to the 1st January 2011, subject to the availability of tenements as per the terms and conditions and guidelines so notified in the *Official Gazette*, by the Chief Executive Officer with the prior approval of the State Government;

(6) The Chief Executive Officer of the Slum Rehabilitation Authority, with prior approval of the State Government shall, regulate the procedure for appointment and registration of developers for implementation of the Slum Rehabilitation Scheme as per the rules prescribed by the State Government, from time to time. The Chief Executive Officer or the Slum Rehabilitation Authority, as the case may be, may register any person or an association of persons registered under the Partnership Act,

1932 or a company registered under the Companies Act, 2013, as a developer in the prescribed manner for the implementation of Slum Rehabilitation Scheme.

3C. Declaration of a slum rehabilitation area.-

- (1) As soon as may be, after the publication of any Slum Rehabilitation Scheme, the Chief Executive Officer on being satisfied about the circumstances in respect of any land, whether or not previously declared as slum area, justifying its declaration as the Slum Rehabilitation Area which may include community economic activity area, for implementing the Slum Rehabilitation Scheme, shall after giving the land owners, including any public authorities or local bodies under the State Government constituted under any law enacted by the State Legislature, thirty days notice and after giving a reasonable opportunity of being heard, by an order published in the *Official Gazette*, and thereafter within forty-five days, declare such land to be a "Slum Rehabilitation Area". The order declaring the Slum Rehabilitation Area (hereinafter referred to as "the slum rehabilitation order"), shall also be given wide publicity in such manner as may be specified by the Chief Executive Officer of the Slum Rehabilitation Authority. Thereafter, notwithstanding anything contained in any law for the time being in force, in such Slum Rehabilitation Area, the permission or the No Objection Certificate of the land owning authority or agency shall not be required:

Provided that, only in respect of any land which is required for Vital Public Project purpose, as per orders of the State Government and where the State Government either directly or through any public authority has undertaken the responsibility of relocation and rehabilitation of the protected and other occupiers of the building, then the Chief Executive Officer shall, exclude the land required for Vital Public Project from the Slum Rehabilitation Area and issue an order to omit such land from the Slum Rehabilitation Area. Where the State Government either directly or through any public authority has undertaken the responsibility of relocation and rehabilitation of the protected and other occupiers of the building, such public authority shall prepare the Scheme of such rehabilitation or relocation and get it approved by the Chief Executive Officer within the period specified in the Scheme which shall not be more than ninety days.

- (2) Any person aggrieved by the order of the Chief Executive Officer may,

within thirty days of the publication of such slum rehabilitation order, prefer an appeal to the Grievance Redressal Committee. The decision of the Grievance Redressal Committee in such appeal shall be final.

3I. Officers and servants of Slum Rehabilitation Authority.-

(4) Subject to the superintendence of the Slum Rehabilitation Authority, the Chief Executive Officer shall supervise and control all the officers and employees of the Slum Rehabilitation Authority.

3J. Authentication of orders etc. of the Slum Rehabilitation Authority.-

All proceedings of the Slum Rehabilitation Authority shall be authenticated by the Chairman and all orders and instruments of the Slum Rehabilitation Authority shall be authenticated by the Chief Executive Officer or any other officer of the Slum Rehabilitation Authority as may be authorised in this behalf by regulations.

3S. Delegation of powers of Slum Rehabilitation Authority or Chief Executive Officer.-

The Slum Rehabilitation Authority or the Chief Executive Officer may, delegate any of the powers conferred on them by or under this Act, to any of the officers of the Slum Rehabilitation Authority and permit him to re-delegate such power to his subordinate, by general or special order in this behalf.

3U. Chairman, Members, Chief Executive Officers, etc., to be public servant.-

The Chairman, Members, Chief Executive Officer and officers and servants of the Slum Rehabilitation Authority, as the case may be, shall, while acting or purporting to act in pursuance of any of the provisions of this Act or rules or regulations made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. (XLV of 1860)

12. Clearance Order.-

(1) As soon as may be, after the Chief Executive Officer has declared any land to be a Slum Rehabilitation Area, and upon approval of the Slum Rehabilitation Scheme, he shall as early as possible proceed to make a clearance order in relation to that within fifty days land, order for the demolition of each building specified therein, and require each such

building to be vacated by its occupier within such time which shall not be less than thirty days, but in any case not more than sixty days, as may be specified in such Clearance Order.

- (4) Any person aggrieved by the clearance order may, within thirty days of the publication of the notice of the confirmation of the clearance order prefer an appeal to the Grievance Redressal Committee. The decision of the Grievance Redressal Committee in such appeal shall be final.
- (5) Where any such appeal is duly made,-
 - (a) the Grievance Redressal Committee may, by interim order, suspend the operation of the clearance order either generally, or in so far as it affects any property, until the final determination of the appeal;
 - (b) the Grievance Redressal Committee if satisfied upon hearing of the appeal that the clearance order is not within the powers of this Act, or that the interest of the appellant have been substantially prejudiced, by any requirement of this Act not having been complied with, may quash the clearance order either generally, or in so far as it affects any property of the appellant;
 - (c) the decision of the Grievance Redressal Committee in such appeal regarding such declaration and execution of clearance Order shall be final.
- (8) If the building is not demolished before the expiration of the period mentioned in the sub-section (7), the Chief Executive Officer may enter and demolish the building and sell the material thereof.
- (9) Any expenses incurred by the Chief Executive Officer in demolishing any buildings, after giving credit, for any amount realised by the sale materials, may be recovered by the Chief Executive Officer from the owner of the building or any person having interest therein as arrears of land revenue; and any surplus in the hands of the Chief Executive Officer shall be paid by it to the owner of the building, or if there are more than one owner, shall be paid as those owners agree. In default of agreement between the owners, the Chief Executive Officer shall deposit the surplus amount in Greater Bombay, in the Bombay City Civil Court, and elsewhere, in the District Court; and the decision of the Principal Judge, or as the case may be, the District Judge, on the question of distributing the surplus between the owners, shall be final.
- (10) Subject to the provisions of this Act and of any other law for the time being in force, in relation to the town planning and to the regulation of the erection of building, where a clearance order has become operative, the owner of the land to which the clearance order applies, may

redevelop the land in accordance with the plans approved by the Slum Rehabilitation Authority and subject to such restrictions and conditions (including a condition with regard to the time specified in the general Slum Rehabilitation Scheme, within which the redevelopment shall be completed), if any, as that Authority may think fit to impose:

Provided that, the owner who is aggrieved by a restriction or condition so imposed on the user of his land, or by a subsequent refusal of the Chief Executive Officer to cancel or modify any such restriction or condition may, appeal to the Grievance Redressal Committee and the decision of the Grievance Redressal Committee regarding restriction and condition imposed shall be final.

13. Power of Slum Rehabilitation Authority to develop Slum Rehabilitation Area.-

- (1) Notwithstanding anything contained in sub-section (10) of Section 12, the **Chief Executive Officer shall**, after any land has been declared as the Slum Rehabilitation Area, including community economic activity area, if the owners, landholders or occupants of such land do not come forward within a reasonable time, which shall not be more than one hundred and twenty days, required for relocation and rehabilitation of protected and other occupiers justifying with the Slum Rehabilitation Scheme for redevelopment of such land, by order, determine to redevelop such land by entrusting into any agency or other developer for the purpose.
- (2) Where on declaration of any land as Slum Rehabilitation Area, the Chief Executive Officer is satisfied that, the land in the Slum Rehabilitation Area has been or is being developed by the Owners, landholders or occupants or developers in contravention of the plans duly approved, or any restrictions or conditions imposed under sub-section (10) of Section 12, or in contravention of any provision of any Slum Rehabilitation Scheme or any condition specified in the approval or has not been developed within the time, as specified under such conditions of approval, he may, by order, determine to develop the land declared as Slum Rehabilitation Area by entrusting it to any agency or the other developer recognized by him for the purpose.
- (3) The agency or the other developer so appointed shall within a period of forty-five days of the order of the Chief Executive Officer, be required to deposit an amount of compensation payable to the outgoing landowners or occupants or developers, as the case may be, for

expenditure incurred by them on payment made to any public authority, local bodies for receiving approvals for the Slum Rehabilitation Scheme and construction of rehabilitation tenements as determined by the Chief Executive Officer:

Provided that, such compensation shall not be payable by the agency appointed by the Chief Executive Officer, for any expenditure incurred towards construction to meet conditional obligations made to any third party by the landowners or occupants or previous developers, as the case may be. The Chief Executive Officer before passing such order shall obtain report from approved valuer independently appointed on his behalf and by the concerned parties to the proceeding before the Chief Executive Officer:

Provided further that, before passing such order by the Chief Executive Officer, the concerned landowner or occupant or developer, as the case may be, shall be given a reasonable opportunity of being heard and time which shall not be more than thirty days of showing cause why the order should not be passed:

Provided also that, an appeal, if any, against the order of the Chief Executive Officer shall be filed before the Grievance Redressal Committee and order of the Grievance Redressal Committee shall be final and binding on all the parties.

15A. Vesting of land under Slum Rehabilitation Scheme.-

(1) Notwithstanding anything contained in this Act or any other law or regulation for the time being in force, relating to transfer of land and property of the State Government or any public authority of State Government, constituted under any law enacted by the State Legislature, on completion of the Slum Rehabilitation Scheme implemented on the plot of land belonging to the State Government or such public authority, as the case may be, duly sanctioned by the Slum Rehabilitation Authority, within thirty days from the completion of the Slum Rehabilitation Scheme, the State Government or the Chief Executive Officer, with the prior approval of State Government may, declare by notification in the *Official Gazette*, that such land so declared as the Slum Rehabilitation Area shall vest in Slum Rehabilitation Authority:

Provided that, such notification shall be published only after the Slum Rehabilitation Authority has paid compensation to the concerned public authority, urban local body or planning authority, as the case may be, admissible for the land acquisition under Section 17.

17. Basis for determination of compensation.-

(5) The Chief Executive Officer shall, after holding an inquiry in the prescribed manner, determine in accordance with the provisions of sub-section (4) the net average monthly income actually derived from the land, and publish a notice in a conspicuous place on the land and serve it in the manner provided in section 36 and calling upon the owner of the land and every person interested therein, to intimate to it, before a date specified in the notice, whether such owner or person agrees to the amount so determined and if he does not so agree, what amount he claims to be the net average monthly income actually derived from the land.

(8) Where there is any building on the land in respect of which the net average monthly income has been determined, no separate compensation shall be paid in respect of such building :

Provided that, where the owner of the land and the owner of the building on such land are different, the Chief Executive Officer shall apportion the amount of compensation between the owner of the land and the owner of the building in the same proportion as the market-price of the land bears to the market-price of the building on the date of the acquisition.

18. Apportionment of compensation.-

(1) Where several persons claim to be interested in the amount of compensation determined under section 17, the Chief Executive Officer shall determine the person who in its opinion are entitled to receive compensation, and the amount payable to each of them.

(2) If any dispute arises as to the apportionment of compensation or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Chief Executive Officer may refer the dispute to the decision of the Special Tribunal; and the Special Tribunal in deciding any such dispute shall follow the provisions of Part III of the Land Acquisition Act, 1894 and the decision of the Special Tribunal on the dispute shall be final and shall not be called in question in any Court or before any authority.

19. Payment of Compensation or deposit of the same in Court.-

(1) After the amount of compensation has been determined, the Chief Executive Officer shall, on behalf of the State Government, tender

payment of, and pay the compensation to the persons entitled thereto.

- (2) If the persons entitled to compensation do not consent to receive it, or if there be any dispute as to the title to receive compensation or as to the apportionment of it, the Chief Executive Officer shall deposit the amount of the compensation in Greater Bombay, in the Bombay City Civil Court, and elsewhere in the Court of the District Judge, and that Court shall deal with the amount so deposited in the manner laid down in sections 32 and 33 of the Land Acquisition Act, 1894.

20. Powers of Chief Executive Officer in relation to determination of compensation, etc.

- (1) The Chief Executive Officer may, for the purposes of determining the amount of compensation or apportionment thereof, require by order any person to furnish such relevant information in his possession as may be specified in the order.
- (2) The Chief Executive Officer shall, while holding an inquiry under section 17, have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:-
- (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) requiring the discovery and production of any document;
 - (c) reception of evidence on affidavit;
 - (d) requisitioning any public record from any court or officer;
 - (e) issuing commissions for examination of witnesses.

21. Payment of interest .-

When the amount of compensation is not paid or deposited on or before taking possession of the land the Chief Executive Officer on behalf of the State Government shall pay the amount of compensation determined with interest thereon from the time of so taking possession until the amount shall have been so paid or deposited at such rate (not being less than 4 per cent. per annum) as the State Government may by order fix.

33. Power of eviction to be exercised by Chief Executive Officer.-

Where the Chief Executive Officer is satisfied either upon a representation from the owner of a building or from the developer or the Co-operative Society of the Slum Rehabilitation Scheme in the Slum Rehabilitation Area or, upon other information in possession that the

occupants of the building have not vacated it in pursuance of any slum clearance order under section 12 or direction issued or given by him or the tenements constructed in Slum Rehabilitation Area are occupied without the permission or allotment by him or tenements are occupied without Occupation Certificate, he shall, by order, direct the eviction of the occupants from such building in such manner and within such time which is not more than thirty days as may be specified in the order, and for the purpose of such eviction, may use or cause to be used such force as may be necessary:

Provided that, the Chief Executive Officer shall exercise his powers under this section only in respect of the Slum Rehabilitation Area on which Slum Rehabilitation Scheme has been approved by him:

Provided further that, before making any order under this section, the Chief Executive Officer shall give a reasonable opportunity of being heard within such time which is not more than thirty days, as may be specified in the order, to the owners or occupants of the buildings, to show cause why they should not be evicted therefrom.

38. Order of demolition of building in certain areas.-

- (1) Where the erection of any building has been commenced, or is being carried out, or has been completed, in contravention of any restriction or condition imposed under sub-section (10) of Section 12, or a plan for the redevelopment of any Slum Rehabilitation Area or in contravention of any notice, order or direction issued or given under this Act, the Chief Executive Officer may, in addition to any other remedy that may be resorted to under this Act or under any other law, make an order directing that such erection shall be demolished by the owner or by the developer or by the occupant, as the case may be, thereof within such time not exceeding thirty days as may be specified in the order, and on the failure of the owner or the developer or the occupant, as the case may be, to comply with the order, the building so erected shall be liable for forfeiture or for summary demolition by an order of the Chief Executive Officer and the expenses of such demolition shall be recoverable from the owner as arrears of land revenue:

Provided that, no such order shall be made unless the owner or the occupant, as the case may be, has been given a reasonable opportunity of being heard.

- (2) The forfeiture under this section be adjudged by the Chief Executive Officer and any property so forfeited shall be disposed of as the Chief

Executive Officer may direct; and the cost of removal of the property under this section shall be recoverable as arrears of land revenue.

- (3) For the purpose of causing any building to be demolished under sub-section (1), the Chief Executive Officer use or cause to be used such force as may be necessary:

Provided that, the Chief Executive Officer shall exercise his powers under sub-section (1), (2) and (3) above only in respect of the Slum Rehabilitation Area on which the Slum Rehabilitation Scheme has been approved by him.
