

**USER CHALLENGES AND OPPORTUNITIES IN OCCUPANCY CLASS II
RESIDENTIAL LANDS IN MUMBAI SUBURB-CASE OF ASMITA JYOTI CHS,
MARVE ROAD, MALAD WEST**

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SYNOPSIS

Ground Beneath Their Feet

The land under reference, Government of Maharashtra still classifies, on paper, as temporary with a single contradiction, a community that has lived, built, repaired and grown across three generations, sitting on ground the State can legally reclaim at any time, is the starting point of this study, and the reason it exists at all.

This land belongs to a category most Mumbai residents have never heard of and almost none of them chose: Occupancy Class II, more commonly called leasehold or Collector land. It is government-owned property occupied under conditional tenure rather than title, descending in an almost unbroken line from the Bombay Land Revenue Code of 1879, through which the Crown claimed every creek, marsh and unclaimed tract as its own, into the Maharashtra Land Revenue Code of 1966 that governs it today, surviving ULCRA, the 1995 SRA era, and now the push to convert leasehold into freehold. The colonial administration is gone; its revenue logic is not. In the early 1990s, 711 founding members of Asmita Jyoti, most from welfare-eligible communities, were allotted this marshy, mangrove-fringed tract as a welfare measure, and then reclaimed it with their own money, their own labour, and no government construction budget. Today the society counts over 800 members and

more than 3,200 residents, living in buildings past thirty years old, on land the State can still, in principle, take back on terms it alone decides.

This study set out to answer a deceptively simple question: what does it actually take to redevelop a community like this, legally, financially and humanely, when the ground itself was never truly the community's own? Answering it required combining architectural project management with land law, comparative housing policy and full-scale financial feasibility modelling, because no single lens captures what is happening on this land. Reading the Maharashtra Land Revenue Code alone tells you what the State is permitted to do. Reading the site alone tells you what residents have already achieved. Only holding both together reveals the actual choice in front of policymakers today.

Seven interlocking challenges emerged from this work, and together they explain why a community that has never once been evicted still lives with the quiet, permanent possibility that it could be. The first is the social anchor: over 800 households across three generations, sharing 2.40 square metres of green open space per person against Mumbai's citywide average of 1.24, an asset so ordinary to residents that almost none recognise it as one, and so easily lost the moment redevelopment is handled carelessly. The second is a rule-root labyrinth, with jurisdiction fragmented across the Collector's office, the Municipal Corporation, MHADA, the Slum Rehabilitation Authority and MMRDA: a shadow economy of clearances layered over a century of overlapping law that no single resident, and often no single official, fully understands. The third is the urban pulse, the discipline of testing any redevelopment against the neighbourhood's real capacity for roads, water and sewerage rather than the plot's paper floor space index. The fourth is decay drift: thirty-year-old reinforced concrete, now classified C2B under municipal

structural audit, ageing at precisely the moment when redevelopment uncertainty gives residents every reason to stop investing in upkeep. The fifth, and perhaps the most quietly destructive, is the maintenance mirage: no clause anywhere in the Land Revenue Code funds structural maintenance on leasehold land, so the very decay used to justify redevelopment is, in part, manufactured by the absence of a maintenance mandate. The sixth is the housing hurdle: in the early 1990s a one-bedroom flat here cost roughly ₹3 lakh against ₹16.3 lakh for a comparable freehold unit nearby, an affordability advantage that four decades of policy drift now threaten to convert away. The seventh is the tenure tightrope itself: Clause 40 of the 1966 Code keeps a perpetual right of resumption with the State, leaving residents secure in daily life and permanently unsettled on paper, a condition this study argues is a governance failure, not a legal technicality.

None of these seven challenges is unique to Mumbai, and that is precisely what makes the comparative evidence useful. Nine cities were examined, Singapore, Vienna, Hong Kong, New York, London, Amsterdam, Copenhagen, Tokyo and Mumbai, and a single variable separated them cleanly: whether the government treats residential land it owns as welfare infrastructure or as a revenue instrument. Where governments retained ownership, funded upkeep and protected occupancy rights, outcomes in affordability and stability were consistently and measurably better. Mumbai's Collector Land system stood alone among the nine as the only model in which residents build with their own money on government-owned land, pay both a conversion premium and a floating lease rent, and receive no government support whatsoever for structural repair.

Vienna offers the starkest counter-example. Including non-profit housing associations, roughly 60 per cent of Viennese residents live in government-owned or

subsidised homes, with rents capped near €440 a month, and the city has refused to privatise this stock through every wave of political pressure since the 1980s. The government pays for maintenance and redevelopment; residents are never expected to fund structural upkeep on land they do not own. Singapore is the more technically precise analogue, because it shares Mumbai's leasehold structure rather than Vienna's outright municipal ownership. Some 77 per cent of Singaporeans live in Housing and Development Board flats on ninety-nine-year government leases, and when an estate ages out, the Selective En-bloc Redevelopment Scheme guarantees relocation to a new flat nearby on a fresh ninety-nine-year lease, with compensation set by independent valuation. The government manages timing, cost and delivery end to end, and no resident is displaced without a guaranteed alternative already in hand. Mumbai has never recorded a single comparable case on Occupant Class II land. The lesson is not that Mumbai must copy any one of these cities. It is that every instrument this study recommends, guaranteed rehousing, government-funded maintenance, transparent long-term renewal, structured public participation in redevelopment gains, already exists and already works somewhere in the world. The missing ingredient in Mumbai is not policy tools but institutional will.

Within Mumbai's own existing legal framework, at least seven distinct pathways are technically available to a society such as this one, and this study maps all seven before tracing a single one to its full financial and procedural conclusion. A society can convert to freehold under a developer, convert and self-redevelop, or convert through the costlier route outside the amnesty window; it can stay leasehold and simply repair and renovate, or add structural retrofitting; or it can stay leasehold and redevelop either through a private developer or entirely by itself. The central financial case is built around the seventh option, leasehold self-redevelopment, precisely

because it makes every argument in the study visible at once. Self-redevelopment means the society itself becomes the developer: appointing its own architects, engineers and contractors, arranging its own institutional financing, and retaining every rupee of surplus that would otherwise become a private developer's margin. Eligibility requires registration under the Maharashtra Co-operative Societies Act, consent from at least 67 per cent of members by share capital and 51 per cent by occupancy, and a building at least thirty years old or certified structurally unfit. The gains are real: no displacement, since members move only once, into finished new flats; full control of design, contractor selection and cost; and no freehold conversion premium, since the land remains a public asset throughout. The costs are equally real, and are treated honestly here rather than glossed over, the society alone bears full regulatory liability for flats sold on the open market, sustaining consent across 800 households through every stage of a multi-year project is genuinely difficult, most members lack in-house legal, financial or construction expertise, and bridging finance between loan disbursements carries a recurring risk that must be actively managed rather than assumed away.

The financial feasibility built for this plot turns that trade-off into hard numbers. At 31,299 square metres with a road frontage of 27.4 metres, the plot qualifies for nearly every redevelopment regulation under the 2034 Development Control and Promotion Regulations except the one reserved exclusively for MHADA land. The model is built on Regulation 33(11), a Slum Rehabilitation Authority scheme combining rehabilitation of existing members with a free-sale component, charging premiums at a ten per cent concession and clearing approvals through a single window. Under it, the Collector's no-objection certificate alone costs approximately ₹16.9 crore, calculated directly from the plot area and the Annual Schedule of Rates

of ₹53,960 per square metre. The rehabilitation and free-sale design generate 1,613 new saleable flats, priced meaningfully below prevailing freehold rates precisely because the land-cost and conversion-premium components that inflate freehold pricing are structurally absent from a leasehold project. Financing carries its own arithmetic: pre-approval capital runs near 20 per cent per annum given the absence of underlying security, while institutional lending through cooperative banks becomes available at about 12.5 per cent once formal clearance is granted, so sequencing the transition between these two regimes is often the difference between a viable project and a stalled one.

The headline finding, however, is not any single figure but a structured participation model. Rather than cashing out through a one-time freehold premium, the State can remain the landowner under a negotiated agreement returning value through three simultaneous streams: Stream A, in which the State retains roughly 80 of the new flats as government rental housing, a capital asset of about ₹116.54 crore, yielding a further ₹65.40 crore in rent across thirty years; Stream B, ongoing lease rent on the land, already established practice, worth about ₹31.80 crore over the same period; and Stream C, a ten per cent share of the project's ₹343 crore surplus, or ₹34.31 crore, paid from realised profit rather than demanded upfront. Together these return the State approximately ₹248 crore over thirty years, against roughly ₹8.4 crore from a single conversion premium collected today, while the land and the flats remain permanently in public hands as appreciating assets. The proportions are defensible on the site's own history: granted as marshy creek land recorded at ₹323 per square metre in 1989-90, the State's effective contribution was about ₹1.01 crore, while the society invested ₹1.52 crore in land cost alone. Of the plot's ₹169 crore value today, the State's passive contribution accounts for roughly 7.2 per cent and the community

created the remaining 92.8, so a ten per cent share exceeds the State's proportionate entitlement, offered deliberately to make the agreement attractive to government while keeping the project viable.

The significance of these findings extends well beyond one plot in Malad West. For policymakers, this study offers a transparent, replicable method for weighing the options already available inside Maharashtra's current tenure framework, benchmarked against nine working global systems rather than abstract principle. For residents of the many other Occupant Class II societies across Mumbai's suburbs, communities that share this site's history without sharing its documentation, it lays out, in real regulations and real rupees, exactly what self-redevelopment under continued leasehold requires, so that any community can weigh yes against no with full information rather than folklore and fear. For the city as a whole, it offers evidence that Mumbai's few remaining mechanisms for affordable housing at scale are not accidents of history to be tidied away through privatisation, but functioning public assets that a fiscally capable state has chosen not to fully use. None of the corrective tools demands new legislation. What is missing is coordination between the Collector's office, the municipal corporation and the housing authorities that currently work in isolation, and a deliberate political choice to redefine the State's relationship with its own long-term tenants from extraction to stewardship.

Occupant Class II lands are not administrative leftovers awaiting privatisation. They are, by arithmetic rather than ideology, one of Mumbai's last working mechanisms for delivering affordable housing at genuine scale without public expenditure. The case for keeping this land in State hands is not sentimental; it is compounding. The community gains long-term stability and housing priced meaningfully below the open market; the State retains an appreciating asset and a live, self-funding mechanism

for affordable supply, without ever writing a subsidy cheque. Vienna and Singapore are not offered as templates to be copied wholesale, but as proof that a government can hold residential land for generations and still deliver rising quality of life, provided it treats housing as a public task rather than a financial instrument to be liquidated at the earliest opportunity. Mumbai does not need to rebuild thirty-year-old Europe. It needs to build the first-world city of today, using the Occupant Class II land it already owns as a strategic, self-sustaining land bank for affordable housing rather than converting it, parcel by parcel, into one-time revenue. Unlocking that potential through community-led self-redevelopment, secure long-term tenure and structured State participation is not an idealistic proposal. It is a starting point grounded in existing law and verified arithmetic, and this study is one attempt, using a single real community as its evidence, to show precisely what that start looks like, in numbers a jury, a policymaker, or a resident of any leasehold society in Mumbai can check for themselves.

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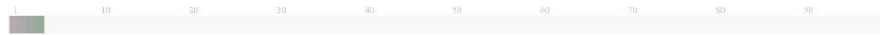
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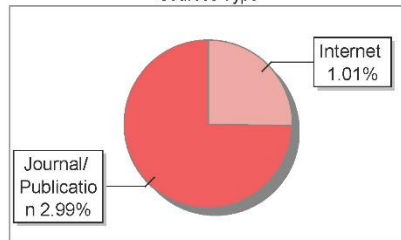
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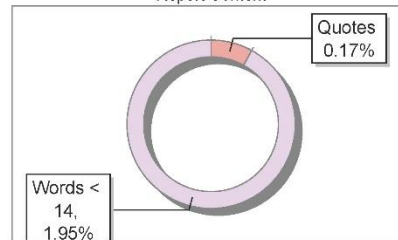
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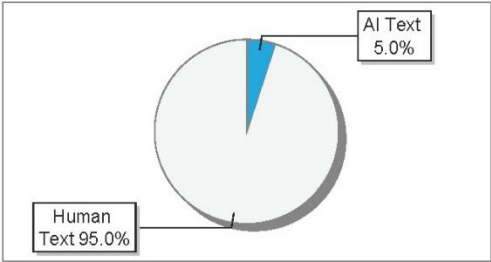
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