



Shephali

REPORTABLE

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 9433 OF 2021

1. **GHASS COMPOUND INDUSTRIAL ASSOCIATION,** through its President Mr Abdul Haq Ansari, having address at Ghass Compound Opp. Hindu Cemetery, Oshiwara, Jogeshwari (West), Mumbai – 400 102
2. **SHAMSHAD NAZIM ALI KHAN,** Age – 39 years, Occ.: Business, having address at Gala No. 448, Ghass Compound Opp. Hindu Cemetery, Oshiwara, Jogeshwari (West), Mumbai – 400 102
3. **HAROON YAKUB NEDARIYA,** Through C.A. Fakruddin Y Khan, Age – 46 years, Occ.: Business, having address at Gala No. 299, Ghass Compound Opp. Hindu Cemetery, Oshiwara, Jogeshwari (West), Mumbai – 400 102
4. **BILAL KHALID SHELIYA,** Through C.A. Shamshad Nazim Ali Khan, Age – 39 years, Occ.: Business, having address at Gala No. 300,

Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102

5. **ZUBER KHALID SHELIYA,**
Through C.A. Shehanshah Nazim Ali
Khan, Age - 36 years, Occ.: Business,
having address at Gala No. 303,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
6. **SHOHEB MOHAMMAD
BADHRA,**
Through Shah Mohamad Nazim Ali
Khan, Age - 37 years, Occ.: Business,
having address at Gala No. 304,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
7. **MOHD ASIF USMANI,**
Age - 49 years, Occ.: Business,
having address at Gala No. 305,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
8. **PRAMOD Y BANDIVADEKAR,**
Through C.A. Jamil Ahmed Chinku,
Age - 72 years, Occ.: Business,
having address at Gala No. 309,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
9. **SAJID MOHD BADHRA,**
Through C.A. Akram Ali Nazim Ali
Khan, Age - 45 years, Occ.: Business,
having address at Gala No. 349,

Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102

10. **USMAN MOHD BADHRA,**
Through C.A. Saeed Farid Khan,
Age - 34 years, Occ.: Business,
having address at Gala No. 551,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
11. **MOHD NAZIR ABDULLA,**
Through C.A. Abdul Rashid
Krimullah, Age - 42 years, Occ.:
Business, having address at Gala No.
354, Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
12. **MOHD MOHSIN MOHD
SHAKUB,**
Through C.A. Maqsood Raees
Ahmed, Age - 39 years, Occ.:
Business, having address at Gala No.
357, Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
13. **SHAFINA BANU I AHMED,**
Age - 48 years, Occ.: Business,
having address at Gala No. 356,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
14. **TARIKUNNISA A CHAUDHARI,**
Age - 48 years, Occ.: Business,
having address at Gala No. 364,
Ghass Compound Opp. Hindu

Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102

15. **ABDUL WADOOD A KHAN,**
Age – Adult years, Occ.: Business,
having address at Gala No. 373,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
16. **IFTIKHAR (IFTAR) AHMED
KHAN,**
Age – 56 years, Occ.: Business,
having address at Gala No. 374,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
17. **ASIF ABDUL DAYILA,**
Through C.A. Ismail Kadam
Mansuri, Age – 46 years, Occ.:
Business, having address at Gala No.
376, Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
18. **ILIYAS A DAYLA,**
Through C.A. Mohd Sakur I Khan,
Age – 59 years, Occ.: Business,
having address at Gala No. 379,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
19. **AMIN A DAYILA,**
Through C.A. Rabiya Mohd Sakur
Khan, Age – 57 years, Occ.: Business,
having address at Gala No. 380,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari

(West), Mumbai – 400 102

20. **TABARAK H ANSARI,**
Through Wife Salimunnisha Tabarak
H Ansari, Age – 66 years, Occ.:
Business, having address at Gala No.
382, Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
21. **KHARIUNISSA R CHAUDHARI,**
(Deceased) Through Husband
Abdulrehman Taj Mohd Chaudhary,
Age – 58 years, Occ.: Business,
having address at Gala No. 383,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
22. **KARAM HUSSAIN ABUTALLAH
CHAUDHARY,**
Age – 32 years, Occ.: Business,
having address at Gala No. 384,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
23. **MOHD YUSUF MANSOORI,**
Through C.A. Mohd. Rafeeq Khan,
Age – 65 years, Occ.: Business,
having address at Gala No. 386,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
24. **SAFI MOHD CHAUDHARY,**
Age – 58 years, Occ.: Business,
having address at Gala No. 388,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari

(West), Mumbai – 400 102

25. **ABDUL HAMID ASHNULLAH CHAUDHARY,**
Age – 51 years, Occ.: Business,
having address at Gala No. 390,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
26. **ABDUS SABUR KHAN,**
C.A. Nafees Abbas Khan, Age – 42
years, Occ.: Business,
having address at Gala No. 396,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
27. **MOHD SKUB INUAMULLAH KHAN,**
Through C.A. Irshadul Haq
Jalaluddin Khan, Age – 44 years,
Occ.: Business, having address at
Gala No. 398, Ghass Compound
Opp. Hindu Cemetery, Oshiwara,
Jogeshwari (West),
Mumbai – 400 102
28. **NAFIS JUMMAN KHAN,**
Age – 48 years, Occ.: Business,
having address at Gala No. 399,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
29. **HAJU MOHARAM ALI KHAN,**
(Deceased) Through his Widow
Shahidunnisa Haji Moharam Khan,
Age – 59 years, Occ.: Business,
having address at Gala No. 400,

Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102

30. **MOHD KHALID NAZIR KHAN,**
Through C.A. Hakimullah
Karimullah Khan, Age - 57 years,
Occ.: Business, having address at
Gala No. 401, Ghass Compound
Opp. Hindu Cemetery, Oshiwara,
Jogeshwari (West),
Mumbai - 400 102
31. **MOHD HAROON NOOR MOHD
KHAN,**
Age - 53 years, Occ.: Business,
having address at Gala No. 403,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
32. **SAGEEER MOHD HANIF KHAN,**
Age - 41 years, Occ.: Business,
having address at Gala No. 404,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
33. **MOHAMMAD HUSSAIN ISHAQ
KHAN (DECEASED),**
Through his Widow, Sakinabano
Hussain Khan, Age - 41 years, Occ.:
Business, having address at Gala No.
405, Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
34. **MOHD MUSLIM SHAFIULLAH
KHAN,**
Age - 53 years, Occ.: Business,

having address at Gala No. 408,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102

**35. SALAUDDIN REHAMTULLAH
CHAUDHARY,**

Age - 51 years, Occ.: Business,
having address at Gala No. 410,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102

36. AKRAM NAZIM ALI KHAN,

Age - 45 years, Occ.: Business,
having address at Gala No. 459,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102

**37. MOHD HANIF MOHD I
SAYYAD,**

Age - 78 years, Occ.: Business,
having address at Gala No. 460,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102

38. NARESH S RUPAREL,

Through C.A. Ismail Mastab Khan,
Age - 48 years, Occ.: Business,
having address at Gala No. 807,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102

39. SHILA R MANSUKHANI,

Through Sakir Mastab Khan,
Age - 42 years, Occ.: Business,
having address at Gala No. 808,

Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102

40. **ABDUL WAHAB ANSARI,**
Age - 50 years, Occ.: Business,
having address at Gala No. 572,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
41. **SIDDIK A NANDOLIYA,**
Age - 38 years, Occ.: Business,
having address at Gala No. 157,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
42. **SAHID A NANDOLIYA,**
Age - 28 years, Occ.: Business,
having address at Gala No. 158,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
43. **SAJID A NANDOLIYA,**
Age - 33 years, Occ.: Business,
having address at Gala No. 159,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
44. **ABDUL JAAN MOHAMMAD
PALASARA,**
Age - 74 years, Occ.: Business,
having address at Gala No. 162,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
45. **ABDUL JAAN MOHAMMAD**

- PALASARA,**
Age - 74 years, Occ.: Business,
having address at Gala No. 163,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
46. **ABDUL JAAN MOHAMMAD
PALASARA,**
Age - 74 years, Occ.: Business,
having address at Gala No. 164,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
47. **AMIN ABDUL PALASARA,**
Age - 51 years, Occ.: Business,
having address at Gala No. 168,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
48. **AMIN ABDUL PALASARA,**
Age - 51 years, Occ.: Business,
having address at Gala No. 169,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
49. **AMIN ABDUL PALASARA,**
Age - 51 years, Occ.: Business,
having address at Gala No. 170,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
50. **SHAHID ABDUL PATEL,**
Age - 41 years, Occ.: Business,
having address at Gala No. 193,
Ghass Compound Opp. Hindu

Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102

51. **AAMIR ABDUL PATEL,**
Age - 36 years, Occ.: Business,
having address at Gala No. 194,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
52. **HUZEFA ABDUL PATEL,**
Age - 38 years, Occ.: Business,
having address at Gala No. 195,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
53. **ZAID ABDUL PATEL,**
Age - 38 years, Occ.: Business,
having address at Gala No. 196,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
54. **ABDUL RAHIM ANSARI,**
Age - 35 years, Occ.: Business,
having address at Gala No. 475,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
55. **SHAMSAD NAZIMALI KHAN
HAFIZURREHMAN
MOHAMMAD ALI KHAN,**
Age - 38 years, Occ.: Business,
having address at Gala No. 480,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
56. **HAFIZURREHMAN**

**MOHAMMAD ALI KHAN
SHAMSAD NAZIMALI KHAN,**
Age – 60 years, Occ.: Business,
having address at Gala No. 556,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102

57. **FAZLUR REHMAN ABDUL
KADIR KHAN MOHAMMAD
MUKEEM KHAN,**
Age – 38 years, Occ.: Business,
having address at Gala No. 561,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
58. **MOHAMMAD MUSTAKEEM
SAFIULLAH KHAN
SHAFIURREHMAN ABDUL
QADIR KHAN,**
Age – 50 years, Occ.: Business,
having address at Gala No. 562,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
59. **HAFIZURREHMAN
MOHAMMAD ALI KHAN,**
Age – 60 years, Occ.: Business,
having address at Gala No. 568,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
60. **SAFIKURREHMAN MOHAMMAD
ALI KHAN,**
Age – 45 years, Occ.: Business,
having address at Gala No. 569,
Ghass Compound Opp. Hindu

Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102

61. **ABDUL WAHAB ANSARI**,
Age - 50 years, Occ.: Business,
having address at Gala No. 570,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
62. **ABDUL HAQANSARI**,
Age - 39 years, Occ.: Business,
having address at Gala No. 571,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
63. **ABDUL RAHIM ANSARI**,
Age - 35 years, Occ.: Business,
having address at Gala No. 573,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
64. **MOHAMMED YASEEN SAIFEE**,
Age - 57 years, Occ.: Business,
having address at Gala No. 221,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
65. **MUNAWWAR ALI M MEHBOOB**,
Age - 45 years, Occ.: Business,
having address at Gala No. 150,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
66. **AKBAL HABIB ANSARI**,
Age - 60 years, Occ.: Business,
having address at Gala No. 151,

Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102

67. **SAEED M DULAR M,**
Age - 69 years, Occ.: Business,
having address at Gala No. 153,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
68. **JAMAL AHMED ANSARI,**
Age - 62 years, Occ.: Business,
having address at Gala No. 155,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
69. **HAYAT M ANSARI,**
Age - 66 years, Occ.: Business,
having address at Gala No. 161,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
70. **M HASSAN KHAN,**
Age - 33 years, Occ.: Business,
having address at Gala No. 180,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
71. **M HUSSAIN KHAN,**
Age - 38 years, Occ.: Business,
having address at Gala No. 181,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
72. **ABDUL RASUL NEDARIA,**
Through C.A. Irfan Yakum Nadaria,

Age – 55 years, Occ.: Business,
having address at Gala No. 191,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102

73. **AMIN HABIB JAGRALA,**
Age – 61 years, Occ.: Business,
having address at Gala No. 192,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
74. **YAKUB HASIM BEG,**
Age – 74 years, Occ.: Business,
having address at Gala No. 197,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
75. **GOVIND P CHAUHAN,**
Age – 70 years, Occ.: Business,
having address at Gala No. 199,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
76. **AMIRUDDIN ANSARI,**
Age – 72 years, Occ.: Business,
having address at Gala No. 200,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
77. **M NAMIN M SHAFI ANSARI,**
Age – 52 years, Occ.: Business,
having address at Gala No. 201,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102

78. **IBRAT ALI M SHAFI ANSARI,**
Age - 65 years, Occ.: Business,
having address at Gala No. 202,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
79. **M AKRAM ANSARI,**
Age - 36 years, Occ.: Business,
having address at Gala No. 203,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
80. **M GOUS SHAIKH AHMED
(DECEASED),**
Through Widow Jamila M Gous
Shaikh, Age - 65 years, Occ.:
Business, having address at Gala No.
209, Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
81. **ABBAS GHULAM SUNSHERA,**
Age - 48 years, Occ.: Business,
having address at Gala No. 211,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
82. **YAKUB GHULAM RASOOL,**
Through C.A. Usmangani
Abdulkarim Maknojia,
Age - 60 years, Occ.: Business,
having address at Gala No. 217,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
83. **GHULAM RASOOL ASMADI,**

Through C.A. Ayub Abdul Rahim
Marediya, Age – 53 years, Occ.:
Business, having address at Gala No.
218, Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102

84. **RIAZUDDIN AHMED,**
Age – 62 years, Occ.: Business,
having address at Gala No. 219,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
85. **IBRAHIM GHULAM RASUL
PIYARJI,**
Age – 70 years, Occ.: Business,
having address at Gala No. 223,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
86. **M IBRAHIM PIYARJI,**
Age – 35 years, Occ.: Business,
having address at Gala No. 224,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
87. **NANDARAM CHOTTURAM
SHARMA (DECEASED),**
Through his Gahendra Kumar
Nandaram Sharma, Age – 43 years,
Occ.: Business, having address at
Gala No. 231, Ghass Compound Opp.
Hindu Cemetery, Oshiwara,
Jogeshwari (West), Mumbai – 400
102
88. **NIRAJANLAL N SHARMA,**

Age – 48 years, Occ.: Business,
having address at Gala No. 232,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102

- 89. IQBAL HUSSAIN HASMAT A SHAH,**
Through C.A. Mohammed Irfan
Hussain Khan, Age – 25 years, Occ.:
Business, having address at Gala No.
317, Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
- 90. ASHOK HARI SHINDE,**
Through C.A. Akram Husain.
Age – 70 years, Occ.: Business,
having address at Gala No. 324,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
- 91. VIJAY ASHOK SHINDE,**
Through C.A. Jalil Ahmed H Khan,
Age – 47 years, Occ.: Business,
having address at Gala No. 325,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
- 92. BADRUDDIN PIR M KHAN,**
Age – 61 years, Occ.: Business,
having address at Gala No. 333,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
- 93. IQBAL ANSARI,**
Age – 59 years, Occ.: Business,

having address at Gala No. 363,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102

94. **SYED IFKAR HAIDAR,**
Age - 44 years, Occ.: Business,
having address at Gala No. 372,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
95. **SYED IZHAR HAIDAR,**
Age - 47 years, Occ.: Business,
having address at Gala No. 374,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
96. **SYED ANSAR HAIDAR,**
Age - 47 years, Occ.: Business,
having address at Gala No. 375,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
97. **SYED JAISHAN HAIDAR,**
Age - 44 years, Occ.: Business,
having address at Gala No. 376,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
98. **JANNATUNNISA R ALI,**
Age - 47 years, Occ.: Business,
having address at Gala No. 499,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
99. **BADRUL HAQ B KHAN,**

Age – 43 years, Occ.: Business,
having address at Gala No. 386,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102

- 100. YUNUS YUSUF PALASARA,**
Age – 58 years, Occ.: Business,
having address at Gala No. 115,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
- 101. TAUKIR AHMED ANSARI,**
Age – 80 years, Occ.: Business,
having address at Gala No. 124,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
- 102. AMIR HUSSAIN ANSARI,**
Age – 40 years, Occ.: Business,
having address at Gala No. 125,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
- 103. MATLUB AHMED ANSARI,**
Age – 56 years, Occ.: Business,
having address at Gala No. 126,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
- 104. MEHMOOD ALI ANSARI,**
Age – 45 years, Occ.: Business,
having address at Gala No. 127,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102

105. **EZAZ AHMED ANSARI,**
Age - 35 years, Occ.: Business,
having address at Gala No. 128,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
106. **M ARIF ANSARI,**
Age - 38 years, Occ.: Business,
having address at Gala No. 129,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
107. **M IBRAHIM PIYARJI,**
Age - 35 years, Occ.: Business,
having address at Gala No. 224,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
108. **WAGRI BAIJAL SAVA
WAGHELA,**
Age - 68 years, Occ.: Business,
having address at Gala No. 269,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
109. **SHAMSHAD HUSSAIN
MANSHOOQUE KHAN,**
Age - 62 years, Occ.: Business,
having address at Gala No. 348,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
110. **NASEER AHMED ABDUL
RASHID KHAN,**
Age - 52 years, Occ.: Business,

having address at Gala No. 349,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102

111. **GULZAR RAJOB ALI SHAIKH,**
Age - 65 years, Occ.: Business,
having address at Gala No. 343,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
112. **GULAM RASUL R SHAIKH,**
Age - 52 years, Occ.: Business,
having address at Gala No. 354,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
113. **DEEPAK CHETAN MAL SHAH,**
Age - 59 years, Occ.: Business,
having address at Gala No. 355,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
114. **NEHA DEEPAK SHAH,**
Age - 30 years, Occ.: Business,
having address at Gala No. 356,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
115. **USHA DEVI JAYRAM
VISHWAKARMA,**
Age - 53 years, Occ.: Business,
having address at Gala No. 360,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102

116. **SYED A HAIDAR,**
Age - 57 years, Occ.: Business,
having address at Gala No. 373,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
117. **SHYAM LAL MUNIRAM
PRAJAPATI,**
Age - 55 years, Occ.: Business,
having address at Gala No. 380,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
118. **BADRUDDIN KHAN
(DECEASED),**
Through widow Sadrunissa
Badurddin Khan, Age - 68 years,
Occ.: Business, having address at
Gala No. 384, Ghass Compound
Opp. Hindu Cemetery,
Oshiwara, Jogeshwari (West),
Mumbai - 400 102
119. **SHAMSHUDDIN KHAN,**
Age - 47 years, Occ.: Business,
having address at Gala No. 385,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
120. **SAHEB ALI NAZIZULLAH,**
Age - 55 years, Occ.: Business,
having address at Gala No. 395,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
121. **GAYASUDDIN M IDRIS KHAN,**

Age – 58 years, Occ.: Business,
having address at Gala No. 399,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102

122. **RASHIK KHORJA,**
Through C.A. Sirajudddin I Khan
and M Muslim S Khan, Age – 57
years, Occ.: Business,
having address at Gala No. 413,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
123. **ALTAF ASLAM PATEL,**
Through C.A. Sartaj Khan and
Shamshulhuq A Khan, Age – 27
years, Occ.: Business,
having address at Gala No. 417,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
124. **NABI RAHIM GUL HASSAN
KHAN,**
Through C.A. Abdul Wahab M Yasin
Ansari, Age – 50 years, Occ.:
Business, having address at Gala No.
418, Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102
125. **MOHAMMAD SAEED SHAIKH,**
Through C.A. Islamuddin S Khan
and Sahabuddin, Age – 31 years,
Occ.: Business, having address at
Gala No. 421, Ghass Compound Opp.
Hindu Cemetery, Oshiwara,
Jogeshwari (West),

Mumbai - 400 102

126. **ABDUL MUBEEN ABDUL QUDDUS SHAIKH,**
Age - 49 years, Occ.: Business,
having address at Gala No. 446,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
127. **MALIK ABUJAN REHMAT ALI,**
Age - 59 years, Occ.: Business,
having address at Gala No. 453,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
128. **M HUSAIN BARKATULLAH KHAN,**
Age - 65 years, Occ.: Business,
having address at Gala No. 457,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
129. **ABDUL LATIF ABDUL KASIM,**
Age - 70 years, Occ.: Business,
having address at Gala No. 470,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
130. **IRFAN USMAN PATEL,**
Age - 38 years, Occ.: Business,
having address at Gala No. 543,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai - 400 102
131. **M ISAAK KHAN,**
Through C.A. Raj Mohd

Age – 29 years, Occ.: Business,
having address at Gala No. 591,
Ghass Compound Opp. Hindu
Cemetery, Oshiwara, Jogeshwari
(West), Mumbai – 400 102

... PETITIONERS

~ VERSUS ~

1. **SLUM REHABILITATION
AUTHORITY,**
Through its Chief Executive Officer
Administrative Building,
Prof. A.K. Marg, Bandra (E),
Mumbai – 400 051.
2. **CHIEF EXECUTIVE OFFICER,**
Slum Rehabilitation Authority,
Administrative Building,
Prof. A.K. Marg, Bandra (E),
Mumbai – 400 051.
3. **SECRETARY,**
Slum Rehabilitation Authority,
Administrative Building,
Prof. A.K. Marg, Bandra (E),
Mumbai – 400 051.
4. **DEPUTY CHIEF ENGINEER,**
Slum Rehabilitation Authority,
Administrative Building,
Prof. A.K. Marg, Bandra (E),
Mumbai – 400 051.
5. **DEPUTY COLLECTOR
(WESTERN SUBURBS),**
At Slum Rehabilitation Authority,
Administrative Building,
Prof. A.K. Marg, Bandra (E),
Mumbai – 400 051.

6. **JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,**
At Slum Rehabilitation Authority,
Administrative Building,
Prof. A.K. Marg, Bandra (E),
Mumbai - 400 051.
7. **ASST. REGISTRAR OF CO-OPERATIVE SOCIETIES,**
At Slum Rehabilitation Authority,
Administrative Building,
Prof. A.K. Marg, Bandra (E),
Mumbai - 400 051.
8. **MAHARASHTRA HOUSING AND AREA DEVELOPMENT AUTHORITY,**
Through its Vice-President,
Grihanirman Bhavan, Bandra (E),
Mumbai - 400 051.
9. **VICE-PRESIDENT,**
Maharashtra Housing and Area
Development Authority,
Grihanirman Bhavan, Bandra (E),
Mumbai - 400 051.
10. **CHIEF OFFICER,**
Mumbai Housing And Area
Development Board (Mumbai
Board),
A Unit of MHADA,
Grihanirman Bhavan, Bandra (E),
Mumbai - 400 051.
11. **COMPETENT AUTHORITY AND
DY CHIEF OFFICER
(MARKETING),**
Mumbai Housing And Area
Development Board (Mumbai

- Board), A Unit of MHADA,
Grihanirman Bhavan, Bandra (E),
Mumbai - 400 051.
12. **CHIEF OFFICER AND
VIGILANCE OFFICER,**
Mumbai Housing And Area
Development Board (Mumbai
Board), A Unit of MHADA,
Grihanirman Bhavan, Bandra (E),
Mumbai - 400 051.
13. **MUMBAI METROPOLITAN
REGION DEVELOPMENT
AUTHORITY,**
Through its Metropolitan
Commissioner,
Having its address at MMRDA
Building, Bandra Kurla Complex,
Bandra (East),
Mumbai - 400 051.
14. **METROPOLITAN
COMMISSIONER,**
Mumbai Metropolitan Region
Development Authority,
Having its address at MMRDA
Building, Bandra Kurla Complex,
Bandra (East),
Mumbai - 400 051.
15. **MUNICIPAL CORPORATION OF
GREATER MUMBAI,**
Through its Municipal
Commissioner,
MCGM Head Office,
Mahapalika Marg, Mumbai CSMT,
Mumbai - 400 001.
16. **SENIOR INSPECTOR,**

Shops And Establishment
Department,
K-West Ward, MCGM,
K-West Ward Office Building,
2nd floor, Palvram Path,
Opposite BEST Depot,
Andheri (West),
Mumbai – 400 058.

17. **RELIANCE INFRASTRUCTURE LTD,**
(Erstwhile Reliance Energy Ltd),
E-4 (ii), MIDC, Marol,
Andheri (East),
Mumbai 400 093.
18. **ADANI ELECTRICITY,**
SV Road, Andheri (West),
Mumbai – 400 058.
19. **GAJANAN BUILDERS,**
A Partnership Firm,
Having office at 20,
Patel Industrial Estate, Singh
Compound, Opp. Veena Dalwai
Estate, Navpada Road, Oshiwara,
Jogeshwari (West),
Mumbai – 400 102.
20. **ABDUL AHAD KHAN,**
Age: Adult, Occ: Business,
Chief Promoter of Respondent
No.29-Aashiyana CHS (Prop), Chief
Promoter of Respondent No.30-
Sangam CHS (Prop), Partner of
Respondent No.19 – Gajanan Builder,
Occupant included in Annexure-II at
Structure Nos. 79, 81, 478, 610 of
Respondents-Societies,
Having address at 20, Patel Industrial

Estate, Singh Compound, Opp.
Veena Dalwai Estate, Navpada Road,
Oshiwara, Jogeshwari (West),
Mumbai – 400 102.

21. **KHAIRUNISSA WAJIDALI KHAN,**
Age: Adult, Occ: Business,
Mother of Respondent No.20 –
Abdul Ahad Khan, Partner of
Respondent No.19 – Gajanan
Builders,
Having address at 20, Patel Industrial
Estate, Singh Compound, Opp Veena
Dalwai Estate, Navpada Road,
Oshiwara, Jogeshwari (West),
Mumbai – 400 102.
22. **SAMEER AHAD KHAN,**
Age: Adult, Occ: Business,
Son of Respondent No.20 – Abdul
Ahad Khan, Partner of Respondent
No.19 – Gajanan Builders,
Having address at 20, Patel Industrial
Estate, Singh Compound, Opp Veena
Dalwai Estate, Navpada Road,
Oshiwara, Jogeshwari (West),
Mumbai – 400 102.
23. **SAIF AHAD KHAN,**
Age: Adult, Occ: Business,
Son of Respondent No.20 – Abdul
Ahad Khan, Partner of Respondent
No.19 – Gajanan Builders,
Having address at 20, Patel Industrial
Estate, Singh Compound, Opp Veena
Dalwai Estate, Navpada Road,
Oshiwara, Jogeshwari (West),
Mumbai – 400 102.

24. **ASIF RIYAZ KHAN,**
Chief Promoter of Respondent No.
31. Sahara CHS (Prop),
Nephew of Respondent No.20 –
Abdul Ahad Khan,
Occupant included in Annexure-II at
Structure Nos. 441, 614 of
Respondents-Societies,
Age: Adult, Occ: Business,
Having address at 20, Patel Industrial
Estate, Singh Compound, Opp Veena
Dalwai Estate, Navpada Road,
Oshiwara, Jogeshwari (West),
Mumbai – 400 102.
25. **IMTIAZ G KHAN,**
Age: Adult, Occ: Business,
Nephew of Respondent No.20 –
Abdul Ahad Khan,
Present Chairman of Respondent No.
30-Sangam Co-operative Housing
Society,
Occupant included in Annexure-II at
Structure Nos. 80, 131, 609 of
Respondents-Societies,
Having address at 20, Patel Industrial
Estate, Singh Compound, Opp Veena
Dalwai Estate, Navpada Road,
Oshiwara, Jogeshwari (West),
Mumbai – 400 102.
26. **PARADIGM FRAMEWORK LLP**
Having address at 201, 2nd Floor,
Nivan Plot No. 96, CTS E/751, SV
Road, Khar (West),
Mumbai – 400 052.
27. **PARTH MEHTA,**
Partner of Paradigm Framework LLP,

Having address at 201, 2nd Floor,
Nivan Plot No. 96, CTS E/751, SV
Road, Khar (West),
Mumbai - 400 052.

28. **GAJANAN PROPERTY AND DEVELOPERS PVT LTD,**
201, 2nd Floor, Nivan Plot No. 96,
CTS E/751, SV Road,
Khar (West),
Mumbai - 400 052.
29. **ASHIYANA CO-OPERATIVE HOUSING SOCIETY (PROP),**
Ghass Compound, Oshiwara,
Jogeshwari (West),
Mumbai - 400 102.
30. **SANGAM CO-OPERATIVE HOUSING SOCIETY (PROP),**
Ghass Compound, Oshiwara,
Jogeshwari (West),
Mumbai - 400 102.
31. **SAHARA CO-OPERATIVE HOUSING SOCIETY (PROP),**
Ghass Compound, Oshiwara,
Jogeshwari (West),
Mumbai - 400 102.
32. **SAHARA AND SANGAM SRA COMMERCIAL PREMISES CO-OPERATIVE HOUSING SOCIETY (PROP),**
Ghass Compound, Oshiwara,
Jogeshwari (West),
Mumbai - 400 102.
33. **SARFARAZ SHAIKH,**
Age: 43 Years, Occ: Business,
2/502, Sea Crest, Saath Bangla,

(Seven Bungalows), Andheri (West),
Mumbai – 400 059.

34. **AIRF MUZZAMMIL KHAN,**
Age: 47 Years, Occ: Business,
Gala No. 171, Ghass Compound,
Navpada Road, Oshiwara,
Jogeshwari (West),
Mumbai – 400 102.
35. **VAIDEHI S MEHNDAL,**
Age: 56 Years, Occ: Business,
Gala No. 238, Ghass Compound,
Navpada Road, Oshiwara,
Jogeshwari (West),
Mumbai – 400 102.
36. **SHREERAM S MEHENDAL,**
Age: Adult Years, Occ: Business,
Gala No. 238, Ghass Compound,
Navpada Road, Oshiwara,
Jogeshwari (West),
Mumbai – 400 102.
37. **COMMISSIONER OF POLICE,**
Greater Mumbai,
Mumbai Police Head Quarter,
Opposite Crawford Market,
Mumbai – 400 001.
38. **JOINT COMMISSIONER OF
POLICE-CRIME BRANCH,**
Greater Mumbai,
Mumbai Police Head Quarter,
Opposite Crawford Market,
Mumbai – 400 001.
39. **SENIOR INSPECTOR OF
POLICE,**
Oshiwara Police Station,
Oshiwara, Jogeshwari (West),

Mumbai – 400 102.

40. **STATE OF MAHARASHTRA,**
Through Chief Secretary,
Mantralaya, Mumbai – 400 032.
(Summons to be served upon Ld.
Government Pleader appointed under
O.27, R.4 of Code of Civil Procedure,
1908)
41. **URBAN DEVELOPMENT
DEPARTMENT,**
Through its Secretary,
Government of Maharashtra,
Mantralaya, Mumbai – 400 032.
42. **HOUSING DEPARTMENT,**
Through Its Secretary,
Government of Maharashtra,
Mantralaya,
Mumbai – 400 032.
43. **APEX GRIEVANCE REDRESSAL
COMMITTEE,**
(Earlier Known as High Power
Committee),
Administrative Building, at Slum
Rehabilitation Authority,
Prof AK Marg, Bandra (East),
Mumbai – 400 051.

... RESPONDENTS

WITH
WRIT INTERIM APPLICATION (L) NO. 31568 OF 2021
IN
WRIT PETITION (L) NO. 9433 OF 2021
WITH
INTERIM APPLICATION (L) NO. 29003 OF 2021

IN
WRIT PETITION (L) NO. 9433 OF 2021
WITH
WRIT PETITION NO. 2244 NO. 2019
AND
WRIT PETITION (L) NO. 2512 OF 2019

APPEARANCES

FOR THE
PETITIONERS,
PETITIONER NO. 62,
SAID TO BE
PRESIDENT OF
PETITIONER NO.1

Mr Abdul Haq Ansari,

FOR RESPONDENT-
SRA

Mr Abhijit P Kulkarni, *with Viraj
Hake.*

FOR RESPONDENT-
MHADA

Mr PG Lad, *with Prerana Dhoke &
Sayli Apte.*

FOR RESPONDENT-
MCGM

Ms Shilpa Redkar.

FOR RESPONDENT
NOS. 17 & 18

Mr Satish Kamat.

FOR RESPONDENT
NOS. 20, 22 & 23

Mrs Vaishali Thorat, *i/b Bijal
Gandhi.*

FOR RESPONDENT
NOS. 26 & 27

Mr Gauraj Shah, *i/b Fatima
Officewala.*

FOR RESPONDENT NO.
28

Mr Mayur Khandeparkar, *i/b Imtiaz
Shaikh.*

FOR RESPONDENT NO.
32

Mr Pradeep Thorat, *with Aniesh
Jadhav, i/b Aditi Naikare.*

**FOR RESPONDENTS
NOS. 37 TO 42**

**Mr Hemant Haryan, AGP, with
Sukanta Karmakar, AGP.**

**FOR RESPONDENT NO. 43-AGRC
Mr Jagdish G Aradwad (Reddy).**

**CORAM : G.S.Patel &
Madhav J Jamdar, JJ**

DATED : 9th March 2022

ORAL JUDGMENT (Per GS Patel J):-

1. Before we turn to the Petition, we believe we must make a reference to events in Court during several hearings after this Petition was first moved in September 2021, and then from November 2021 onwards, when this Petition was first in the roster of this Division Bench.

- (a) The Petition was filed on 3rd April 2021, as per the CIS records. It does not seem to have been moved or even served urgently, for the vakalatnamas of some of the Respondents were filed only between 9th September and 16th November 2021. Reply affidavits were filed much later.
- (b) The Petition seems to have been first moved only on 24th September 2021 before Ujjal Bhuyan, J and one of us, Madhav J Jamdar, J. On that day, the Petitioners were represented by counsel instructed by Mr KP

Tiwari. The Petitioners' counsel sought time 'to take instructions'. The order of that day reads:

Learned counsel for the petitioner prays for time to obtain instructions.

2. Mr. Khandeparkar, learned counsel for the developer submits that even at this stage the developer is ready to provide transit rent in parity with other slum dwellers provided it is agreeable to the petitioners to vacate the premises.

3. Learned counsel for the petitioner may serve copies of the writ petition on learned counsel for the respondents.

4. Stand over to 12.10.2021.

5. We make it clear that no order, preventive or otherwise, has been passed in this writ petition.

(Emphasis added)

(c) On 12th October 2021, the matter did not reach. It was adjourned to Thursday, 21st October 2021. It does not seem to have been listed or taken up that day.

(d) On Saturday, 23rd October 2021, the Petitioners 'urgently' moved another Division Bench in Chambers (SJ Kathawalla and Milind N. Jadhav, JJ). The Petitioners were represented by Mr Shivraj Kunchge and Mr Rahul Gupta, instructed by Mr KP Tiwari. None of the Respondents were represented, although they had appeared on notice on 24th September 2021.

At least three Respondents or sets of Respondents had filed vakalatnamas by this time (Mr Imitiaz Shaikh on 9th September 2021, Ms Fatema Officewala on 4th October 2021, and Ms Aditi Suresh Naikare on 14th October 2021). We are today once again told that at this Saturday hearing — which was apparently not before the roster Bench; the matter had since been assigned to the Bench presided over by Prasanna B Varale J on a change in roster — the Petitioners moved entirely without notice. This is the order that came to be passed that day:

Ghass Compound Industrial
Association and Ors. ... Petitioners

Versus

Slum Rehabilitation
Authority and Ors. ... Respondents

Mr. Shivraj N. Kunchge with Mr. Rahul
Gupta i/by K.P.Tiwari and Co., for
petitioners.

CORAM: (In Chambers)

S.J. KATHAWALLA

MILIND N. JADHAV, JJ.

(through video conferencing)

DATE: 23rd OCTOBER, 2021

P.C.:

1. Not on board. Upon mentioning, taken on
board.

**2. Due to extreme urgency, the learned
Advocate for the Petitioners has mentioned**

the above matter before this Court. After seeking permission of the Learned Chief Justice, we have heard the learned Advocate for the Petitioners.

3. We have gone through the order dated 24th September, 2021 passed by the Division Bench of this Court (Coram : Ujjal Bhuyan (as he then was) and Madhav J. Jamdar, JJ.). We are informed that after the said order was passed, the Petitioners received a notice dated 21st October, 2021 from the Respondent No.1 (SRA) stating that they will demolish the impugned structures of the Petitioners within 48 hours. The Petitioners moved the above Writ Petition before the regular Court i.e. the Division Bench headed by Prasanna B. Varale, J., on 22nd October, 2021 and as per the directions of the said bench, the above Writ Petition is placed on 25th October, 2021 for Admission/hearing. The Petitioners now apprehend that their structures will be demolished any time since the 48 hours timeline set out in the Notice issued by the SRA is over.

4. We therefore, direct the Slum Rehabilitation Authority (Respondent No.1) to maintain status quo as of today in respect of the impugned structures upto 26th October, 2021. However, the Writ Petition will appear before the regular Court i.e. before the Division Bench headed by Prasanna B. Varale, J. on 25th October, 2021, when the parties may appear before that bench and seek necessary reliefs.

4. All concerned to act on an ordinary copy of this order duly authenticated by the Private Secretary of this Court.

(Emphasis added)

This ad-interim order has continued for months thereafter, all the way until today.

- (e) After the Diwali court recess in 2021, the matter was in the roster of this Division Bench. On Monday, 29th November 2021, no longer than two weeks after the post-Diwali term commenced, we heard all parties. Before us, the 131 Petitioners (the 1st Petitioner being an association and the remaining Petitioners being individuals) were all represented by Mr Anil Sakhare, Senior Counsel, instructed by Mr KP Tiwari and Mr Tushar Kochale. The Maharashtra Housing & Area Development Authority, the Municipal Corporation of Greater Mumbai, slum societies and the developers were all represented. We heard Mr Sakhare for the Petitioners fully and then, at his request on instructions he was given in Court, we stood the matter over to Wednesday, 1st December 2021 for orders. We continued the previous ad-interim order until the next date.
- (f) On 1st December 2021, the Writ Petition was listed at 903, the third matter on the Supplementary Board for that day. Senior Counsel for the Petitioners was not

present. Mr KP Tiwari represented the Petitioners.
Without further comments, we reproduce the order of
1st December 2021 in full:

Ghass Compound Industrial ...Petitioners
Association & Ors

Versus

Slum Rehabilitation Authority ...Respondents
& Ors

Mr KP Tiwari, *for the Petitioner.*

Mr PG Lad, *with Aparna Kalathil & Sayli Apte,*
for Respondents Nos. 8 to 12.

Mr Gauraj Shah, *with Fatema Officewala, for*
Respondents Nos. 26 and 27.

Mr Mayur Khandeparkar, *with Imtiaz Shaikh,*
for Respondent No. 28.

Mr Pradeep Thorat, *i/b Aditi Naikare, for*
Respondent No. 32.

Mr Hemant Haryan, AGP, *for Respondents Nos.*
37 to 42.

Mr PK Dhakephalkar, Senior Advocate, *with*
Jagdish G Aradwad (Reddy), for Respondent
No. 43 – AGRC.

Ms Rupali Adhate, *for MCGM.*

Mr Abhijit P Kulkarni, *for Respondent – SRA.*

CORAM **G.S. Patel &**
 Madhav J. Jamdar, JJ.

DATED: **1st December 2021**

PC:-

1. **Mr Tiwari on behalf of the Petitioners, including the individuals from 2 to 131, states that he has instructions that each of these individuals will furnish a signed undertaking to vacate. The**

undertaking requests for some grace period from the date of signing of the undertaking to vacate.

2. There is today no signed undertaking available.

3. During the course of the hearing, we expressed our dissatisfaction in the manner in which the Petition was signed and purportedly affirmed. We believed that this would conceivably be against the interest of some of the Petitioners — including, in particular, those found to be eligible. We do not wish to pass an order that would render those found eligible vulnerable for any reason whatsoever.

4. We, therefore, require all Petitioners 2 to 131 to come to Court on 10th December 2021. Each of them will sign an undertaking incorporating the terms that are presented to us in draft by Mr Tiwari today. We take that sheet on record and mark it 'X1' for identification with today's date. In addition, the final undertaking will contain a clause in the usual form that the person giving the undertaking and his family are the only ones in occupation of the premises in question; that they have not created any third party rights and will not create any third party rights; and that they and their family members will remove themselves and deliver vacant possession within the time provided. We allow a period of eight weeks from the date of signing of the undertaking. By our reckoning, this means that all these persons giving the undertakings must vacate by 1st February 2022 (we have granted a few days more than eight weeks). If this is not done, we give the developer liberty to apply to

the SRA for a forcible removal with the necessary police protection.

5. **The Court Associate before whom the undertakings are being affirmed will ensure that the person affirming the undertaking has been read over and explained and has understood the contents of the undertaking as also to the necessary extent, the Petition itself. If any person has not understood either of these, an officer from the Official Translators' Office will be present at the time to explain the substance of the Petition and the precise terms of the proposed undertaking. The Associate will also endorse that the identity of each person signing the undertaking has been verified. We make it clear that identifying documents are not to be retained as part of the record because of privacy concerns. The endorsement of the Associate is enough.**

6. **At the same time, we accept the undertakings given by one Swadesh Anand, a director of the Gajaanan Property Developers Private Limited. These undertakings are stated in an Affidavit dated 29th November 2021. All the statements in this Affidavit including in particular those in paragraphs 2, 3 and 4 are accepted as undertakings to the Court. The affirmed affidavit containing the undertakings is taken on record and marked 'X2' for identification with today's date. So that there is no misunderstanding, we reproduce paragraphs 2, 3 and 4 in this order itself.**

“2. In furtherance to the said statement made by the Counsel appearing for the Respondent No. 28,

which statement is recorded in para 2 of the order dated 24th September, 2021 passed by the Hon'ble Division bench of the Hon'ble High Court, at Bombay, *I hereby say that the Respondent No. 28 shall provide monthly displacement compensation for 17 months (11 months upfront and 6 months vide PDC) in parity with similarly placed slum dwellers, to all the 105 Petitioners who have been declared as eligible, provided they hand over vacant, quiet and peaceful possession of their respective structures to the Respondent No. 28.* The details of the 105 eligible Petitioners is as under:-

Sr No.	Petitioner Number	Status of Eligibility
1.	3	Eligible
2.	4	Eligible
3.	5	Eligible
4.	6	Eligible
5.	7	Eligible
6.	8	Eligible
7.	9	Eligible
8.	10	Eligible
9.	11	Eligible
10.	12	Eligible
11.	13	Eligible
12.	14	Eligible
13.	15	Eligible
14.	16	Eligible
15.	17	Eligible
16.	18	Eligible
17.	19	Eligible
18.	20	Eligible
19.	21	Eligible
20.	22	Eligible
21.	23	Eligible

22.	24	Eligible
23.	25	Eligible
24.	26	Eligible
25.	27	Eligible
26.	28	Eligible
27.	29	Eligible
28.	30	Eligible
29.	31	Eligible
30.	32	Eligible
31.	33	Eligible
32.	34	Eligible
33.	35	Eligible
34.	36	Eligible
35.	37	Eligible
36.	38	Eligible
37.	39	Eligible
38.	64	Eligible
39.	65	Eligible
40.	66	Eligible
41.	67	Eligible
42.	68	Eligible
43.	69	Eligible
44.	70	Eligible
45.	71	Eligible
46.	72	Eligible
47.	73	Eligible
48.	74	Eligible
49.	75	Eligible
50.	76	Eligible
51.	77	Eligible
52.	78	Eligible
53.	79	Eligible
54.	80	Eligible
55.	81	Eligible
56.	82	Eligible
57.	83	Eligible
58.	84	Eligible
59.	85	Eligible
60.	86	Eligible
61.	87	Eligible
62.	88	Eligible

63.	89	Eligible
64.	90	Eligible
65.	91	Eligible
66.	92	Eligible
67.	93	Eligible
68.	94	Eligible
69.	95	Eligible
70.	96	Eligible
71.	97	Eligible
72.	98	Eligible
73.	99	Eligible
74.	100	Eligible
75.	101	Eligible
76.	102	Eligible
77.	103	Eligible
78.	104	Eligible
79.	105	Eligible
80.	106	Eligible
81.	107	Eligible
82.	108	Eligible
83.	109	Eligible
84.	110	Eligible
85.	111	Eligible
86.	112	Eligible
87.	113	Eligible
88.	114	Eligible
89.	115	Eligible
90.	116	Eligible
91.	117	Eligible
92.	118	Eligible
93.	119	Eligible
94.	120	Eligible
95.	121	Eligible
96.	122	Eligible
97.	123	Eligible
98.	124	Eligible
99.	125	Eligible
100.	126	Eligible
101.	127	Eligible
102.	128	Eligible
103.	129	Eligible

104.	130	Eligible
105.	131	Eligible

3. *I say that on humanitarian grounds, the Respondent No. 28 is also willing to provide monthly displacement compensation **only** for a period of 11 months to the Petitioners who have been declared as ineligible, subject to the Petitioners handing over vacant, quiet and peaceful possession of their respective structures to the Respondent No. 28. In the event the ineligible Petitioners herein are declared as eligible and their names are reflected in the Supplemental Annexure-II to that effect, they shall be entitled to all the benefits of an eligible slum dwellers as per SR Scheme. The details of the 25 ineligible Petitioners are as under:-*

**Sr. No. Petitioner Status of Eligibility
Number**

1.	41	In-Eligible
2.	42	In-Eligible
3.	43	In-Eligible
4.	44	In-Eligible
5.	45	In-Eligible
6.	46	In-Eligible
7.	47	In-Eligible
8.	48	In-Eligible
9.	49	In-Eligible
10.	50	In-Eligible
11.	51	In-Eligible
12.	52	In-Eligible
13.	53	In-Eligible
14.	54	In-Eligible
15.	55	In-Eligible
16.	2	In-Eligible
17.	56	In-Eligible

18.	57	In-Eligible
19.	58	In-Eligible
20.	59	In-Eligible
21.	60	In-Eligible
22.	61	In-Eligible
23.	62	In-Eligible
24.	63	In-Eligible
25.	40	In-Eligible

4. I say that in paragraph 27 of the Short Affidavit dated 8th September 2021 filed by the Respondent No. 28, a specific statement is made stating that the Respondent No. 28 has vide its letter dated 16th February 2021, deposited with the Assistant Registrar, SRA, post-dated cheques amounting to Rs. 1,00,00,000/- (Rupees One Crore Only) towards rent of the Petitioners herein.”

7. For the present, we do not dispose of this Petition. We will list it for compliance and directions, if necessary, on 13th December 2021, a few days after the undertakings are to be executed by Petitioners Nos 2 to 131.

8. Previous order, if any, to continue until next date.

9. All concerned will act on production of a digitally signed copy of this order.

(Emphasis added)

(g) The next order of 13th December 2021 is crucial. This is how it reads.

1. The entire matter has taken a very disturbing turn since our order of 1st December 2021. We reproduce paragraphs 1 to 5 and the principal portion of paragraph 6 of the order of 1st December 2021:

...

2. After this order, Mr Ramesh Kusurkar, Associate of this Court was appointed by the Prothonotary and Senior Master as the Court Officer. He was to explain the substance of the Petition and the precise terms of the proposed undertaking to all the Petitioners. He visited the GT Hospital premises where the office of the Official Translator is on 10th December 2021 at about 12.00 noon. There was no one present. He attempted to contact Mr Tiwari, the Advocate for the Petitioners. He was assured they would. But nobody came until 2.45 p.m. When Mr Kusurkar returned to the High Court at about 3.00 p.m. one Abdul Haq Ansari, saying he was the President of Petitioners' association contacted Mr Kusurkar and said that Petitioners were all waiting outside the High Court since 10.00 a.m. They had not gone to the Translator's office at GT Hospital. **Mr Kusurkar was told that not one of the Petitioners was willing to sign the undertaking proposed on their behalf. Mr Kusurkar went out of the High court premises where the Petitioners were waiting to reconfirm this. Every one of them said they were unwilling to sign any such undertaking. Mr Kusurkar made a hand written report and put the signatures**

of some of the Committee Members and Petitioners who were present at that time.

3. Today present before us are Mr Abdul Haq Ansari and Mr Shamshad Nazim Ali Khan. They say they represent the Petitioners. We do not know if this is true or not. Both were present on 1st December 2021. They personally confirm to us that they were present on that day.

4. They have submitted a set of written submissions and an Interim Application. Today they seek time to engage a new Advocate. They say that Mr Tiwari had no instructions to offer any such undertaking. We will discharge Mr Tiwari and Mr Tushar Kochale the Advocate on record for the Petitioners and will permit the Petitioners to engage fresh representation.

5. We are also informed that two of the present Petitioners have separately filed a separate Writ Petition before the learned Single Judge assailing the LOI issued to the developer. That relates to the same subject matter.

6. We do not think it is possible to proceed with the matter today in these circumstances. The Petitioners will have to be given some reasonable time to engage lawyers.

7. We list this matter on 3rd January 2022 first on board. We make it clear that we propose to dispose of the Petition finally on that day.

8. Mr Lad on behalf of the MHADA fairly agrees that in view of these unforeseen developments, MHADA will not take action on its eviction notice until the end of the day on 3rd January 2022. In this context, we make it clear that MHADA is at liberty to keep in readiness all its personnel and equipment to proceed with the removal but will not deploy it until further orders of the Court on that day.

9. Liberty to the present Respondents to apply on the administrative side to have the Single Judge matter tagged and clubbed with the present Writ Petition and to have both matters assigned to such Bench as the Hon'ble the Chief Justice may deem fit.

10. The Interim Application and the written submissions filed today are taken on record.

(Emphasis added)

- (h) This order assumes significance because even today, as we make this final order on the Petition, we do not know for certain if the remaining Petitioners other than the handful who are in Court are, or have been made, fully aware of what is being argued on their behalf.
- (i) On 3rd January 2022, the Petitioners sought time. They asked for permission to be represented by a Constituted Attorney. We refused. We said any one of the Petitioners could appear in person, or they could engage an advocate. We stood the matter over to 10th

January 2022 and continued the ad-interim order until the next date.

- (j) On 10th January 2022, we were presented with a new Interim Application by the Petitioners. It was under Section 340 of the Code of Criminal Procedure, 1973 and also sought recall of our order of 1st December 2021, alleging fraud etc. There was nothing to recall. The 1st December 2021 order had clearly been overtaken by subsequent events, as the order of 13th December 2021. Moreover, recalling that order would mean releasing the developer from its undertakings, something the Petitioners seemed not to understand, or refused to understand. The Petitioners had no lawyer. They asked for four weeks' time. We declined such a long adjournment, saying:

4. We are not inclined to grant such a long adjournment. There are 131 Petitioners. As against that, there are 720 odd slum dwellers who have already vacated without resisting the vacating process. Their interests are seriously compromised by the continued delay in implementation of the SRA project. For this reason, we decline the application for an adjournment of the matter for four weeks.

We said we would hear the main Petition itself finally and the IA on 17th January 2022.

(k) The Omicron-related disruption brought a new SOP to court proceedings. We could not take up the matter on 17th January 2022, and adjourned it to 2nd February 2022, continuing the previous order. On that date, we had to further adjourn the matter (largely for the same reason of Omicron and the still continuing SOP) to 15th February 2022. On that date, we disposed of yet another Interim Application filed (needlessly) for correcting a typographical error, and stood the matter over to 18th February 2022. We were compelled to do so because we did not then have a copy of the written submissions on which the Petitioners proposed to rely.

(l) This is the order that we made on 18th February 2022, when all parties were represented (the Petitioners through Ansari):

1. We had earlier directed that the Petition would be taken up for final disposal at the admission stage. **The 1st Petitioner is an association. We have permitted one of the Petitioners, Mr Ansari, to argue in person on behalf of all the Petitioners.**

2. Mr Ansari submits that the Petitioners occupy certain commercial industrial galas or premises said to be part of the slum project but which the Petitioners dispute. According to them, the entire slum rehabilitation scheme, at least so far as they are concerned, is fraudulent and is based on bogus and got up documents. The Annexure-II is also, according to them, bogus. The Gumasta or

Shops and Establishments licenses are also alleged to be bogus. Other licenses are alleged to have been procured. Fake electricity bills have been generated only to deprive the Petitioners of their rights.

3. We propose to hear the Petitioners fully so that there is no scope for any controversy on that scope. We understand that the Petitioners are more than somewhat handicapped because they cannot, for reasons that do not concern us, engage an Advocate.

4. Mr Ansari has submitted a volume styled as written submissions. From pages 8 to 10 there are some comments. Then there are various annexures running to page 318. The documents put together in this compilation have no discernible correlation to what Mr Ansari is canvassing before us. Indeed, on a prima facie reading of some portions of these written submissions we find that there are discrepancies. Some parts are also inappropriate. The Applicant agrees to withdraw his written submissions and compilation. This will be replaced with a revised and more accurate set of written submissions with cross references to the appropriate pages. We make it clear that the compilation has to contain, and contain only, relevant documents. Copies of the revised submissions are to be served by the Petitioners' representative in hard copy and by email to the Advocates for all the Respondents. This is to be done by 28th February 2022.

5. Mr Khandeparkar for the developer agrees that, for his part, he will prepare a comprehensive list of dates. This will be necessary because the matter has travelled a great distance with very many events since the Petition was filed. Copies of this list of dates are to be filed in advance by 28th February 2022 with a copy to Mr Ansari. The list of dates should be sent to Mr Ansari in both hard copy and by email.

6. We had proposed to take up the matter at an earlier date but since the party appearing for the Petitioner says that there is a marriage in his family, we list the matter on 8th March 2022.

7. Previous orders to continue until the next date.

8. All concerned will act on production of a digitally signed copy of this order.

(Emphasis added)

(m) We then heard the matter fully yesterday, 8th March 2022, and kept it for orders today.

2. These are the circumstances in which Ansari comes to be allowed to represent the Petitioners. As we noted, we do not know if the Petitioners are all individually aware of what Ansari canvasses. The reason is plain. Many of the Petitioners are *eligible* for rehabilitation. Yet Ansari maintains that the very document that confers eligibility, the Annexure-II list of eligible and ineligible persons, is entirely bogus from start to finish. Therefore, even those

who have now the promise of rehabilitation all 732 eligible persons will, if Ansari succeeds, be robbed of that right. With this background, we turn to the Petition.

3. The slum rehabilitation project in question has a long and chequered history. The Petition ostensibly challenges certain steps taken during the course of implementation of a Slum Rehabilitation Scheme. These include a challenge to what is called an “Annexure-II”, a listing of those slum dwellers who are found eligible for rehabilitation and those who are not. It also has a challenge to the Letter of Intent issued to the developer. Indeed, as we shall see, and for reasons to which we will turn presently, dislodging the present developer — at any cost, even at a very high cost to other slum dwellers — seems to be the true intent of this Petition. After several hearings and granting much latitude to the Petitioners, we have found no merit at all in the Petition. Our reasons for rejecting it follow.

4. In the circumstances that we will briefly outline in the chronological narrative that follows, Ansari, Petitioner No 62, and claiming to be the ‘President’ of the 1st Petitioner association represented the Petitioners in person. We permitted this.

5. The slum rehabilitation project in question is a large tract of land at CTS Nos. 410/C/1 (pt) and 446/C/2 (pt) of Village Oshiwara, Andheri West, Mumbai. The total area under the SR scheme is 38,990.94 sq mtrs, just under 10 acres. The area was declared as a slum and so notified under Section 4(1) of the

Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (“**the Slum Act**”) on 14th October 1977. This is important because admittedly at no level and at no time has there ever been a challenge to the Slum Notification. We note this because before us today, Ansari on behalf of Petitioners insist that the “whole slum notification” is a “fraud”.

6. This submission has to be rejected at the threshold for one simple, over-riding reason. A look at Section 4 of the Slum Act shows that where in *any* ‘area’ (an undefined term, which must therefore receive its ordinary meaning) or any building (defined in Section 2(d)) in any area, certain conditions obtain — lack of hygienic living and working conditions, sanitation, and so on — and the Competent Authority is satisfied about the existence of these conditions, the area may be declared as a ‘slum’. This has to then be notified in the Government Gazette. It directly follows, therefore, that if Ansari and his cohorts challenge the Section 4 slum *notification*, i.e., the notification of this area *as a slum*, they must be able to show that admittedly and without further enquiry, the pre-conditions necessary for the issue of the Notification *did not obtain on site at the date of the Notification*. This can be shown by an admission of the other side, or something non-contentious. Otherwise, this challenge is anchored to fundamental disputed questions of fact that a writ court cannot and will not examine. Worse yet, in the nearly 200 pages of this Petition, there is absolutely nothing to show that, admittedly or unambiguously, the slum-conditions on site did not exist at the time of the Slum Notification.

7. We turn now to the background facts. This narrative will take us to the immediate challenges in the Petition.

8. On 15th February 2006, a resolution was passed in the proposed Sahara CHSL to appoint one Gajanan Builders as the developer under the Development Control Regulation 33(10) Scheme. Another resolution by the Sangam SRA CHSL, also a proposed society, in the same terms followed on 25th May 2006. The two firms then came together to form Respondent No. 28. The usual steps followed, i.e. confirmation by the societies of the appointment of Respondent No. 28 as a developer, and finally on 10th September 2009, there was a development agreement between the societies and the developer. Both societies have since being amalgamated as Respondent No. 32, which is represented before us today.

9. At this stage, some numbers. The total number of slum dwellers as certified in the Annexure-II issued by MHADA twelve years ago on 1st February 2010 was 871. Of these, 832 are eligible and 39 are ineligible. Of the total number of structures on site, 752 structures have been demolished.

10. We note this at this very stage because of the prayers sought in the Petition. These prayers are at page 197. Prayer clauses (a) to (d) read thus:

“A] That this Hon’ble Court exercising power under Article 226, 227 of the Constitution of India, 1950, be pleased call for records and proceedings of the following from the respective respondents.

- i. Annexure-II dated 01.02.2020 [Exhibit-A-15] prepared and issued by Respondent No. 11-Deputy Chief Officer (Marketing) and Competent Authority-Mumbai Housing Board.
- ii. Letter of Intent dated 15.06.2018 [Exhibit-A-34] from Respondent No. 1-Slum Rehabilitation Authority in respect of S.R. Scheme on the Suit Property,
- iii. Withdrawal of consents by 516 occupants vide individual Notarised Declarations on the grounds of fraud, misrepresentation, coercion, from Respondent No. 1-SRA and Respondent No. 8-MHADA,
- iv. Order dtd 07.02.2020 [EXHIBIT-A91] passed in Application No. 48/2019 by Respondent No. 43-AGRC,
- v. Eviction Orders dtd. 04.05.2019, 18.03.2020, 02.12.2020, 11.01.2021 [EXHIBIT - A-68, A-94, A-140, A-151] passed by Respondent No. 5 - Deputy Collector (Western Suburbs), - Slum Rehabilitation Authority,
- vi. Common Final Order dtd. 18.03.2021 [EXHIBIT-A-169] passed by Respondent No. 43- AGRC in Appeal No. 4/2020 and Application Nos. 8/2021, 9/2021, 1/2021.

B] That, this Hon'ble Court exercising power under Articles 226, 227 of the Constitution of India, 1950 after scrutinizing legality, validity and propriety of Annexure-II dated 01.02.2010 [Exhibit-A-15], Letter of Intent dated 15.06.2018 [Exhibit -A-34], be pleased to quash and set aside said Annexure-II dated 01.02.2020, Letter of Intent dated 15.06.2018 and, all subsequent sanctions, permissions on the basis of said Annexure-II and Letter of Intent, issued in respect of Slum Rehabilitation Scheme on the Suit Property, by declaring the same as product of fraud, illegal, null and void;

C] That, this Hon'ble Court exercising powers under Article 226, 227 of the Constitution of India, 1950, after

scrutinizing legality, validity and propriety of Order dtd 07.02.2020 [EXHIBIT-A-91] passed in Application No. 48/2019 by Respondent No. 43-AGRC, be pleased to quash and set aside the same by declaring the same as illegal, null and void;

D] That, this Hon'ble Court exercising power under Article 226, 227 of the Constitution of India, 1950, after scrutinizing legality, validity and propriety of Common final Order dtd. 18.03.2021 [EXHIBIT - A-169] passed by Respondent No. 43-AGRC in appeal No. 4/2020 and Application Nos. 8/2021, 9/2021, 10/2021 confirming eviction orders passed against Petitioner for said fraudulent S.R. Scheme, be pleased to quash and set aside said Common Final Order dtd 1803.2021 by declaring the same as illegal, null and void and this Hon'ble Court be further pleased to allow said appeal No. 4/2020 and application Nos. 8/2021, 9/2021, 10/2021 in absolute terms.”

11. Ex facie, the frame of these prayers is itself a problem. There is a combined challenge to the Annexure-II of 1st February 2010 and the Letter of Intent that followed from the SRA on 15th June 2018. Now, what is being sought is that even those who consented to individual declarations in favour of the re-development should forcibly have their consensus withdrawn by a mandamus from this Court. These 516 persons whose consensus are sought to be withdrawn are not all parties here and no such mandamus can, in any case, ever issued.

12. But, more importantly, and this possibly goes to the root of the matter, is the question of locus. As we noted there is a challenge to Annexure-II. Of the 140 Petitioners, fully 100 are actually eligible.

These are Petitioners Nos. 3 to 34 and 64 to 131. There is no possibility whatsoever of these Petitioners assailing the very Annexure-II that holds them eligible for rehabilitation or of them challenging the Letter of Intent at all. Not one of these persons has any title to the land under their structures. The initial entry onto the land is illegal and without valid title.

13. Equally important is the fact that all the *other* 732 eligible persons mentioned in Annexure-II have not been made party respondents to the present Petition. If the Petitioners succeed, the eligibility of all those 732 eligible persons will also go — and the Petitioners seek this relief without affording those persons an opportunity of placing their case before us, or of even indicating whether they are supporting the Petitioners in the first place. This will also have a bearing on the question of bona fides.

14. The entire Petition proceeds on a fundamental misunderstanding of slum re-development law. We have said this repeatedly, but we do so once again. Only because a person has been declared ineligible does not mean that the person's structure cannot be demolished. The entire SRA scheme is predicated on a demolition from end-to-end within the SR scheme boundaries of all slum structures. First, there is the slum notification. Then these structures are surveyed. There is a physical assessment of the existence of structures on site. Then there is an assessment of who or which individual is entitled to rehabilitation and can establish that he or she satisfies the eligibility criteria in respect of his or her occupancy of a particular structure. If a person is found eligible and is so noted in Annexure-II (which may be revised periodically as

circumstances require), that person is entitle to accommodation free of cost in a rehab unit following the allotment policy. If a person is found ineligible, it only means that there is no space made available for him or her in the rehab tenement or building. In either circumstance, eligible or ineligible, the structure must go.

15. With this we now turn to Sections 33 and 38 of the Slum Rehabilitation Act. They read thus:

“33. Power of eviction to be exercised only by the Competent Authority

Where the Competent Authority is satisfied either upon a representation from the owner of a building or upon other information in its possession that the occupants of the building have not vacated it in pursuance of any order or direction issued or given by the Authority, the Authority shall, by order, direct the eviction of the occupants from the building in such manner and within such time 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, before making any order under this section the Competent Authority shall give a reasonable opportunity to the occupants of the building to show cause why they should not be evicted therefrom.

38. Order of demolition of building in certain cases

(1) Whether the erection of any building has been commenced, or is being carried out, or has been completed, in contravention of the provisions of section 8 or of any restriction or condition imposed under sub-section (10) of section 13, or a plan for the redevelopment of any clearance area or in contravention of any notice, order or direction issued or given under this Act, the Competent Authority may, in addition to any other remedy that may be restored

to under this Act or under any other law, make an order directing that such erection shall be demolished by the owner thereof within such time not exceeding two months as may be specified in the order, and on the failure of the owner to comply with order, the building so erected shall be liable to forfeiture or to summary demolition by an order of the competent Authority 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 has been given a reasonable opportunity of being heard.

(2) Forfeiture under this section shall be adjudged by the Competent authority, and any property so forfeited shall be disposed of as the competent Authority may direct; and the cost of removal of the property under this section shall be recoverable as an arrears of land revenue.

(3) For the purpose of causing any building to be demolished under sub-section (1) the Competent Authority may use or cause to be used such force as may be necessary.”

16. It is for this reason that we hold that this Petition is not maintainable at the instance of the eligible slum dwellers.

17. There is another circumstance also why such a challenge at the instance of eligible slum dwellers — and indeed all Petitioners — must fail. That emerges from the remaining list of dates to which we will now turn.

18. For completeness we note that Petitioners Nos. 2 and 40 to 63 are all ineligible.

19. On 3rd February 2017, Petitioner No. 1, an association, filed an application for self redevelopment. This is where one gets the sense of having plunged down the rabbit hole like Alice in Wonderland — where matters get curiouser and curiouser. *For, it is these very Petitioners who propounded a self-redevelopment scheme relying on the very same Annexure-II of 1st February 2010 that they now seek to have set aside.* Even if people are appearing in person surely there must be some limit to taking mutually destructive stands at different points in time.

20. On 18th April 2017, another group of Petitioners came in as intervenors to say that they have no objection to implement present scheme but sought permission to apply for electricity connections. Petitioners Nos. 1, 2, 6, 9, 18, 28, 31, 32, 34, 41 to 43, 47 to 50, 61, 62, 64, 73, 75, 76, 81, 92, 99, 100, 104, 106, 109 to 111, 113, 114, 118, 119, 121, 122, 126 to 130 were all intervenors in the Chamber Summons and consented to the scheme. It is entirely unclear to us how this group can take a different stand before us today and pretend that the past never happened.

21. On 17th May 2018, entities of another developer were admitted as partners of the developer. Respondent No. 26 is one such entity. On 27th June 2018, there were two separate general body resolutions by the society confirming the appointments of the

developer and executing the Powers of Attorneys in favour of developers and its partners.

22. Between January and February 2019, the 1st Petitioner and other members filed an application bearing No 48 of 2019 before the Apex Grievance Redressal Committee challenging the implementation of the slum rehabilitation scheme. In that they prayed for, and this is important: (i) a cancellation of Letter of Intent, the intimation of approval and the commencement certificate issued in favour of developer; (ii) a ***cancellation and setting aside of the Annexure-II dated 1st February 2010;*** (iii) a declaration that the amalgamation of two societies was illegal; and (iv) maintenance of status quo. We say this is important for one reason: if this application was ever unconditionally withdrawn, not one of these Petitioners could be allowed to raise the same plea again later in any proceeding or court. That is exactly what happened.

23. On 11th February 2020, the applicants in the AGRC application (filed in January–February 2019) and now numbered as Application No. 48 of 2019 **unconditionally withdrew** that application. This is recorded in paragraph 10 of the AGRC order as follows:

“During hearing Advocate for the Applicants Ghass Compound Industrial Association and Ors submitted that Applicants and the Respondents have reached an agreement to settle the matter amicably and in view thereof the applicants are desirous to withdraw the present application and prayed that this Committee be pleased to permit the Applicants to withdraw the present application and prayed that this Committee be please to permit the Applicants to withdraw the present Application No.

48 of 2019 unconditionally. The Advocate for respondent consented to the same.

In view of same this Committee direct Applicants to submit written withdrawal Application within 2 days. Accordingly, Applicant has submitted withdrawal Application dated 10th February 2020 and same is taken on record of this Committee.

Accordingly, this Committee permits the applicants to withdraw the application No. 48 of 2019 unconditionally.

Hence Application No. 48 of 2019 filed by Ghass Compound Industrial Application and Ors. stands disposed off as withdrawn.”

24. On its own, this means that the present Petition that seeks the same relief that was abandoned or given up is not maintainable. In any case, this is clearly for exercise of our discretionary and equitable jurisdiction under Article 226 of the Constitution of India.

25. Meanwhile, on 29th January 2019, ten slum dwellers approached this Court challenging the scheme because they had been asked to vacate their structures. That Petition is pending. Petitioners Nos. 2, 28, 32 and 34 are all Petitioners in that Petition.

26. On 4th May 2019, the Deputy Collector SRA passed an order under Section 33 and 38 of the Slum Act directing 72 eligible slum dwellers to deliver vacant possession of their structures. On 16th January 2020, some of the Petitioners filed another Writ Petition to quash and set aside the demolition order of 4th May 2019. The Court granted a status quo on 18th January 2020. This has continued for some time.

27. This is extremely significant because it leads us to believe that what is being attempted now is a gross abuse of the process of this Court and trying to evoke this Court's sympathy by saying that Petitioners are "poor slum dwellers". Once the Petitioners unconditionally withdrew their challenge to setting aside of the Annexure -II and which they had sought before the AGRC, it is simply impermissible for them to make the same plea before us as if the withdrawal before the AGRC is entirely inconsequential in law. It is not. Any withdrawal has serious consequences. An unconditional withdrawal even more so. There is no point in individuals standing up and repeating before us "fraud", "bogus" etc. Even if the parties before us are appearing in person we cannot and will not abandon basic principles governing our writ jurisdiction. If these persons want to claim fraud etc they will be driven to a suit. On that they will have to pay Court fees. They cannot simply get around this by filing writ petitions and repeating allegations and putting up a case that they have consciously and deliberately withdrawn.

28. On 18th March 2020, the Deputy Collector SRA passed another order under Sections 33 and 38, this time directing 113 eligible slum dwellers to deliver vacant possession of their structures to the developers.

29. On 13th July 2020, about 170 slum dwellers filed another Writ Petition (L) No. 2512 of 2019 challenging the scheme. Some of those slum dwellers have since settled their disputes. All the Petitioners who remain in Writ Petition (L) 2512 of 2019 are Petitioners to the present proceedings as well. This is yet another

example instance of how the process of this Court is being abused with the same group of Petitioners coming to the Court in different Petitions at different times saying the same thing but obviously doing this in an attempt at forum shopping so that they get their cases listed before different Benches at different times. We will not permit this.

30. On 13th October 2020, Respondent No. 28 filed an Interim Application in Writ Petition No. 1307 of 2020 to vacate the stay order of 18th January 2020 that had continued by then for ten months.

31. While this was pending, on 2nd December 2020, the Deputy Collector passed a Sections 33 and 38 order against another 50 eligible slum dwellers.

32. On 9th December 2020, in Writ Petition 1307 of 2020, this Court directed the Petitioners to file a comprehensive Appeal before the AGRC against the demolition order of 4th May 2019, the first Section 33 and 38 order. That was to be disposed of within four weeks. We leave aside the fact that some of these Petitioners then filed Criminal Writ Petitions. It is enough to note that Appeal No. 4 of 2020 was in fact filed before the AGRC challenging the demolition order of 4th May 2019. It was heard by the AGRC and reserved for orders on 8th January 2021. Almost predictably, after it was closed, there came to be filed an application by some of the appellants seeking a recusal and making allegations of bias.

33. On 11th June 2021, the Deputy Collector SRA passed a fourth order under Sections 33 and 38, this time in regard to 26 ineligible slum dwellers, and demanding possession.

34. Since the AGRC did not accept the recusal application, the appellants filed an Interim Application in their pending Writ Petition No. 1307 of 2020. They were granted liberty to move before the learned Single Judge for a clarification. The AGRC was asked to take up the application of 8th January 2021 and to hear it with the main appeal. Between January and February 2021 the AGRC held a common hearing of four Appeals filed against for demolition orders. On 25th February 2021, the AGRC sought and was granted an extension of time. Ultimately, on 18th March 2021, the AGRC dismissed all four Appeals and upheld all four orders of Deputy Collector. It is thereafter that this Petition was filed on 3rd April 2021 now not only challenging the Sections 33 and 38 orders but also expanding the challenge to include the entire Slum Rehabilitation Scheme.

35. We have already set out at the start of this judgment the manner in which events unfolded after the Petition was first filed in April 2021; and the manner in which an ad-interim order taken without notice on a so-called 'urgent' mentioning on a Saturday before a Bench not rostered to hear the matter but with dispensation from the Hon'ble Chief Justice, continued for weeks and months. We have also set out the circumstances in which one of the Petitioners, Ansari, was permitted to argue.

36. Before us Ansari has filed very many things, possibly too many to count. There is a seven-volume set running into several thousand pages. It was entirely disordered and without discernible relevance or connection between the submissions and the annexures. Then there are applications under the CrPC for perjury and another application to withdraw one of our earlier orders which has since become entirely inconsequential since said that we would be hearing the Petition itself.

37. At this stage we note a few other factors. This is not a case where nothing at all has happened on site. Given to us across the bar is list of no less than 103 separate permissions obtained by the developer for this project. The transit rent expenditure alone till date is said to be a colossal Rs.40 crores. An aggregate of Rs.1.5 crores is being spent on transit rent per month for payment to those who have vacated. But we leave aside the expenditure that the developer claims to have made.

38. Instead, we turn to the most significant and dispositive factor in this case, a facet we have noted earlier. These 113 Petitioners include amongst them a vast number who are eligible and are entitled to rehab accommodation. They have banded together, for what purpose we cannot determine, but it does not appear to be bona fide, as we do not know who is behind them, but there is surely some hand there, to assail the scheme. We do not even know if all these 130 petitioners know what is being said on their behalf and in their name. We do not know if they are aware that if they succeed in this Petition, their eligibility will go. So will the eligibility of all the 832 eligibility persons (even if that includes the 100 or so eligible

Petitioners). For all 130 petitioners seek to assail the very Annexure II that they themselves propounded for the purposes of their own self redevelopment. Obviously our conceptualisation of what “self-redevelopment” means varies widely from the Petitioners. According to us, it means development by slum dwellers themselves. According to these Petitioners, it probably means development by some other developer of their choice. Paying the price for this extraordinary delay occasioned by these Petitioners are not just the builder — which we will ignore for the moment — but, more importantly, the vast number of people who have vacated. This number is not small. **A full 752 eligible persons are now in transit.** Their rehabilitation whether in a residential, commercial or residential-cum-commercial structures is thrown into jeopardy and they are forced to remain in transit because, and only because, of these Petitioners.

39. This is leaving aside the question of locus that is against those of the Petitioners who are eligible.

40. This is also leaving aside the question of any principle analogous to estoppel or Order 23 where once there is an unconditional withdrawal, the same relief cannot be re-agitated over and over again.

41. To give a visual idea of what it is that is involved, we have before us a sketch, though not to scale, that shows the scheme. We have had this scanned and a scanned copy is annexed to this order. There are three rehab buildings, marked Rehab 1, 2 and 3. There is a

sale building to the west. There is one PAP of building of 775 PAP units. There are three sectors marked in red dashed line which show the areas where the Petitioners' structures continue to exist. Those marked in red diagonal lines are the Petitioners who have vacated and are accepting transit rent. It is clear from this that it is these Petitioners many of whom as we have noted are eligible are simply holding up this scheme for no good reason. In our view this is not a situation that can be allowed to continue.

42. We have given Ansari every conceivable latitude. He refuses to accept the limitations of what is permissible in a Writ Court. He refuses to adhere to an elementary discipline. He insists that his submissions in one large volume after the other must be examined minutely in detail on merits. So be it. We gave him that opportunity as well, though we should not have. We were not surprised to find that there is an attempt at a wholesale misleading even in these Written Submissions. At pages 1035 to 1037, Ansari took us to certain serial numbers in the Annexure II (leaving aside his own irreconcilable and conflicting and contradictory stands in that regard). He claimed that the whole of Annexure II was bogus. Even those who are found eligible were bogus entries, he said, a submission that does not appeal to logic or reason and probably needs only to be stated to be rejected. We are unable to see how anybody who has the benefit of an Annexure-II eligibility can come to Court and say that the benefit is fraudulently given and should be set aside. The suggestion is absurd. But in the tabulation here, Ansari claims that persons who are eligible have been found to be so on the basis of fake documents. He illustrates this by pointing to a list of gumasta licenses. We asked Mr Lad for MHADA to take

instructions. Overnight, he analysed the twelve entries in Ansair's tabulation selectively plucked from this Annexure II of 872 persons. Mr Lad pointed out today that what Ansari claims to be a gumasta license is not a gumasta license at all but is a copy of a Form A, an application for Shops And Establishment license, a completely different thing; and what has been annexed is a *blank* Shops and Establishments certificate with some reference number written in hand. The Petitioners say this they got this under the RTI Act. Perhaps so, but what of it? How does this establish the Petitioners' case that the entirety of the Annexure II is fraudulent? It does not even establish that one entry is fraudulent, let alone all the others.

43. On any conceptualisation of a balance of convenience or adopting any standard of proportionality, when one is looking at a document that has 872 entries to say that one or two may be erroneous is not enough. A crucial link in the chain is missing.

44. Ansari's entire presentation is on the basis that the eligibility has been determined only on the basis of a false gumasta license. This is not even prima facie demonstrated.

45. The submission goes on in this vein and then refers to electric metres at page 1037 and some discrepancies in names at pages 1038 to 1040.

46. What we do not know is first whether any of the Petitioners feature in these tables so as to achieve a sought of self-goal. If they do not, then the matter is even worse because what the Petitioners

are in fact doing is attacking the eligibility of *others*, trying to have them declared ineligible, and doing so without joining those persons as respondents to the Petition. This is unacceptable. We would not have allowed any builder to make any such attempt without joining the individual concerned. We see no reason why these 130 individuals should have any higher or better right.

47. We return to a consideration of the prayers again. Obviously on this analysis, prayers (a), (b), (c) and (d) cannot be granted. Once these prayers fail, nothing at all remains in the Petition.

48. Apart from the factual narrative completely obliterating any such claim on the part of the Petitioners, we are not at all satisfied about the bona fides of Ansari himself. Ms Thorat for some of the Respondents points out that there are two FIRS and an MECR against Ansari. FIR No 511 of 2018 dated 12th November 2018 filed at the Oshiwara Police Station is under sections 307, 326, 324, 323, 421, 504 and 506 of the Indian Penal Code, 1860, among others. FIR No. 102 of 2010 dated 4th April 2010, filed at the DN Nagar Police Station is under Sections 324, 504, 506, 34 and 160 of the IPC. MERC No. 6 of 2015, dated 28th February 2015 at the Amboli Police Station is under Sections 34, 384, 387, 499 etc of the IPC. Ansari has been externed from Oshiwara jurisdiction because of these. Co-accused in FIR 511 of 2018 are Wahab Ansari, Petitioner No. 61 and Shamshad Khan, Petitioner No. 35.

49. We do not need to say anything further in the matter.

50. Ansari asks to us a make a reference and pronounce on an MMRDA order that, according to him, was issued fraudulently and in haste within one day. Even if it was issued in one day, this will not invalidate the order nor will it paper over the very many other acts of palpable wrongness and attempted dishonesty including an obvious attempt to mislead bench after bench after bench of this Court by making the same application on repeated occasions suppressing material from one bench or to other and putting forward an entirely false claim.

51. We believe there are some among the petitioners who have been actively misled by Ansari and a few others. We hope and trust that at least because of this order the Petitioners who are eligible will see the error of their ways.

52. The Petition is thoroughly misconceived and it is very possibly mischievous. It is rejected.

53. All previous interim or ad-interim orders stand vacated forthwith.

54. All IAs filed by the Petitioners are infructuous and are disposed of accordingly.

55. Ansari applies for a continuation of the stay. The request is rejected. The balance of convenience is not with these Petitioners. It is emphatically with their fellow slum dwellers who are adversely affected by these stay orders by these Petitioners.

56. In the factual narrative we had mentioned the pendency of other Writ Petitions. These are Writ Petition (L) No. 2512 of 2019 and Writ Petition No. 2244 of 2019. They will be placed by the Registry before the roster Benches when so permitted by those benches along with a copy of this order.

(Madhav J. Jamdar, J)

(G. S. Patel, J)

