

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.186 OF 2016  
IN  
WRIT PETITION NO.10916 OF 2015**

**Mr. Ahmed Iddin Kunji** **..Applicant**

**IN THE MATTER BETWEEN**

**Mr. Vinodkumar Gangaram Kuril** **..Petitioner**

**Versus**

**The Assistant Commissioner,  
The Municipal Corporation of  
Greater Bombay and others**

**..Respondents**

**Mr. Sandesh Deshpande for the Applicant.**

**Mr. M. B. Jadhav for the original Petitioner.**

**Mr. Susmit Phatale i/by Mr. Y. M. Chaudhari for the Respondent  
Nos.2 & 3.**

**Mr. Bhupendra Singh for the Respondent No.5.**

**Mrs. V. S. Nimbalkar, AGP for the Respondent No.6.**

**CORAM : R. M. SAVANT, J.**

**DATE : 25<sup>th</sup> JANUARY, 2017**

**PC.**

1           The above Civil Application has been filed by the Applicant seeking his impleadment in the above Writ Petition. The above Writ Petition has been filed challenging the order dated 19.10.2015 passed by the Respondent No.1 i.e. Assistant Commissioner of Municipal Corporation of Greater Mumbai (For short "MCGM") and the order dated 19.10.2015 passed by the Additional Collector and Appellate Authority,

Mumbai City. By the said order, the Appellate Authority refused to entertain the Appeal filed by the Petitioner.

2           The cause for exercising powers by the Competent Authority i.e. Assistant Commissioner, MCGM was the fact that the tenement in question being No.210, 2<sup>nd</sup> floor, Shree Sidhivinayak SRA Housing Society Ltd., Shivshankar Nagar, Dharavi, Mumbai-400 017, was though allotted to the Petitioner herein was being occupied by some third person. There is correspondence on record i.e. letter of the Assistant Registrar of Co-operative Societies (SRA) dated 23.01.2010, in which letter it has been mentioned that two tenements in the scheme in question have been shown for being allotted to the PAPs. The Chairman and Secretary of the society was directed to inform the SRA about which are those two premises which are earmarked for PAPs in the rehab building. It seems that Assistant Registrar, Co-operative Societies (SRA) had also addressed a similar letter dated 22.09.2011 to the Executive Engineer, SRA, Mumbai. In the said letter, it has been mentioned that the tenement which was allotted to the Applicant Mr. Ahmed Iddin Kunji in the Shree Sidhivinayak SRA, Dharavi, Mumbai has been sold by the developer as informed by the society. The Assistant Registrar has therefore issued a direction that the action be taken against the developer. It seems that an order came to be passed by the Assistant Commissioner, MCGM for

getting the premises vacated from the occupant thereof. The said order passed by the Assistant Commissioner came to be challenged by way of an Appeal before the Additional Collector and before the Additional Collector minutes of order came to be filed, whereby the Respondent No.5 developer has agreed to submit to the BMC/SRA the amended plan showing Room No.210 as commercial premises which is to be provided against the revised Annexure-III, Sr. No.78 to the original Petitioner. Hence, in so far as the original Petitioner is concerned, an agreement was reached between the original Petitioner and the Respondent No.5 developer. In view of the fact that the compliance of the directions were not made in the matter of evicting the occupant who was in occupation of the said tenement No.210 a notice came to be issued by the Assistant Commissioner on 15.09.2015 calling upon the original Petitioner to vacate and hand over the premises in question. The said notice was challenged by the Petitioner before the Additional Collector. The Additional Collector as indicated above, by the impugned order dated 19.10.2015 has dismissed the Appeal on the ground that in the earlier Appeal, Minutes of Order were filed, which has given cause for filing of the above Petition.

3            In my view, the Applicant herein can be said to have some interest in the tenement No.210 as is evident from the correspondence on

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record. The Applicant obviously cannot ask for any reliefs in the above Petition, but obviously can assist this Court in the adjudication of the above Writ Petition, especially having regard to the fact that the orders are founded on the fact that the tenement in question being No.210 was earmarked for a PAP and the name of the Applicant appears in the said correspondence in respect of the said tenement. The Civil Application is accordingly allowed. The Applicant is accordingly allowed to be impleaded as party Respondent to the above Writ Petition. Amendment to be carried out within two weeks from date. List the Petition for admission after a further period of two weeks. Affidavit in reply of Respondent No.5 to be filed two days prior to the next date. The Civil Application is accordingly disposed of.

**[R.M.SAVANT, J]**