



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

**INTERIM APPLICATION NO. 509 OF 2024
IN
WRIT PETITION NO. 12112 OF 2023**

M/s. Heer Mehta Landmark Developers
Pvt Ltd

.....Applicants

IN THE MATTER BETWEEN

Khan Amina Khatun (Deceased)
(Jai Ambe Hardware) Through Khan
Farhan Ahmed Ajaz Ahmed (Son)

....Petitioner

Vs.

Apex Grievances Redressal Committee
and others

.....Respondents

Mr. Anil Mishra a/w Ms. Sneha Dedhiya for the applicants
Mr. Jagdish G. Reddy a/w Mr. Abhijit Patil for respondent nos. 2 and 3
Mr. Shahajirao R. Shinde for AGRC
Mr. Pankaj Shinde, Ms. Mekhala More i/b Juris Partners for
respondent no. 6

CORAM : GAURI GODSE, J.

DATE : 7th MAY 2024

P.C.

1. This application was disposed of by order dated 23rd April 2024
and was directed to be listed today for recording compliance of the

statement made by the petitioner. Learned counsel for the applicant on instructions submits that the balance area of 1.66 square meters is still occupied by the petitioner.

2. Learned counsel for respondent nos. 2 and 3 submits that writ petition was disposed of in view of the statement made by the petitioner that the structure in question is vacated. He submits that only on the statement that was made by the petitioner, writ petition challenging the order dated 4th September 2023 was disposed of. He further submits that since the petitioner has not complied with the statement made before this Court, respondent nos. 2 and 3 be permitted to implement the original order dated 12th January 2023.

3. Writ Petition No. 12112 of 2023 was disposed of on 21st December 2023 by recording the statement of the petitioner in paragraph 15 that the structure in question is vacated. Paragraph 7 of the order records that considering the statements made by the petitioner, he was granted liberty to approach appropriate authorities for redressal of the grievances. The relevant statements based on which the writ petition was disposed of contains in paragraph 5, 6 and

7 which read as under:

“5. Pursuant to said order dated 15th December 2023, Smt. Gaikwad, learned Counsel appearing for the Petitioner states that the Petitioner has vacated the structure in question and in the Court handed over keys of the structure to the learned Counsel appearing for the Respondent No.5.

6. Smt. Gaikwad submitted that the Respondent No.5 is offering only 225 sq. feet area and the Petitioner is entitled for 475 sq. feet. She states that the rent which is offered is not as offered to the other slum dwellers.

7. In view of these submissions, the Petitioner is granted liberty to approach appropriate authorities for redressal of the said grievances. It is expected that the appropriate authorities will decide the same expeditiously. It is clarified that this Court has not considered the merits of said issues raised and all contentions of both the parties in that behalf are expressly kept open.”

4. By order dated 23rd April 2024, I had recorded that the report submitted by respondent nos. 2 and 3 indicate that the petitioner had made a false statement before this Court that the structure in question

was vacated. However, since learned advocate for the petitioner on instructions of the petitioner had again made a statement that the petitioner is not occupying any part of the structure in question, no further directions were issued. The application was therefore disposed of by clarifying that the applicant is permitted to occupy the entire area in question i.e. 44.20 square meters. The application was directed to be listed today for recording compliance of the statement made by the petitioner.

5. Learned counsel for applicant and respondent nos. 2 and 3 submit that inspite of making the statement, the entire area of the structure in question as mentioned in annexure 2 is not vacated. Writ petition was disposed of on the statement made by the petitioner. In the appeal filed by the petitioner, AGRC confirmed the order dated 12th January 2023. Hence, in view of the aforesaid facts and for the reasons recorded in the order dated 23rd April 2024, I find it appropriate in the peculiar facts and circumstances of the case to permit the respondent nos. 2 and 3 to implement the order dated 12th January 2023 which was the subject matter of challenge in the appeal before

AGRC filed by the petitioner.

6. It is clarified that the applicant is at liberty to adopt appropriate proceedings as permissible in law with regard to the false statement that was made by the petitioner.

[GAURI GODSE, J.]