



Darshan Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 15861 OF 2024
IN
WRIT PETITION NO. 833 OF 2019

M/s Saidham Developers ...Applicant

In the matter between:

Sunil Vishwanath Madavi ...Petitioner

Versus

The Chief Secretary and Ors. ...Respondents

WITH

INTERIM APPLICATION NO. 15862 OF 2024

IN

INTERIM APPLICATION NO. 15861 OF 2024

Vimal Babu Dhumadiya and Ors. ...Applicants

In the matter between:

Sunil Vishwanath Madavi and Anr. ...Petitioners

Versus

The Chief Secretary and Ors. ...Respondents

**Mr M M Vashi, Senior Advocate, a/w Mr Ritesh Kalra, Mr
Rahul Kalagiwala, Ms Vrusa Narien i/b Mr Anish
Khandekar, for the Applicant in IA/15861/2024.
Mr Kunal Bhanage, a/w Mr Vasim Siddiqui, Ms Priyanka**

*Acharya i/b Mr Akshay Pawar, for the Applicants in
IA/15862/2024.*

Mr Amit Gharte, *for the Petitioner in WP/833/2019.*

Ms Rupali Shinde, *AGP for the Respondent-State.*

Ms Kavita N Solunke, *a/w Mr Rahul Gupta, for the MMRDA in
IA/15861/2024.*

Mr P S Gole, *for Respondents 8 and 9.*

CORAM **M.S. Sonak &
Kamal Khata, JJ.**
DATED: **17th December 2024**

PC:-

1. Heard learned counsel for the parties.
2. Interim Application No. 15861 of 2024 seeks to modify our judgment and order dated 25 July 2024. Respondents 8, 9, and 10, who were directed to deposit Rs.8 Crores in this Court, now seek modification by submitting that they will rehabilitate flat owners by allotting and transferring to each of the flat owners alternate suitable residential flats on such terms and conditions as this Court shall deem fit.
3. The flat owners filed Interim Application No. 15862 of 2024 to intervene in Interim Application No. 15861 of 2024. The flat owners seem to suggest that they would be satisfied with rehabilitation instead of monetary compensation.
4. Though the flat owners and the developers/builders can enter any arrangement they deem appropriate, there is no reason to modify our order directing the builders/developers, i.e. respondents 8, 9 and 10, to deposit an amount of Rs.8

Crores in this Court. If the flat owners and these respondents ultimately enter some arrangement, this amount could be utilised to construct alternate premises. However, based on the plea that respondents 8 to 10 will build alternate premises and allot the same to flat owners, no case has been made to modify our directions.

5. Besides, this application and its statements hardly inspire confidence. Brazenly unauthorised constructions were made, and now, the flat purchasers are sought to be put forward by claiming some equities. In fact, to protect the interests of the flat owners, we directed respondents 8 to 10 to deposit Rs.8 Crores. This was without prejudice to the flat owners' rights to seek damages from respondents 8 to 10. This part of the order cannot be modified or reviewed based on vague statements to provide alternate premises.

6. The Special Leave Petition against our judgment and order dated 25 July 2024 instituted by the land owners was already dismissed by the Hon'ble Supreme Court on 13 September 2024. This order was neither referred to nor enclosed along with these Interim Applications.

7. Prayers for deferring the demolition until the flat purchasers are rehabilitated are nothing but a ploy to avoid complying with the directions in our judgment and order. That is why the flat purchasers are sought to be put forward, claiming some equities.

8. Though judgment and an order were made on 25 July 2024, considering the plight of the flat purchasers, the time for making alternate arrangements and carrying out demolitions was granted until 1 February 2025. The SLP against the judgment and order has already been dismissed.

9. For all the above reasons, we dismiss these Interim Applications.

10. There shall be no orders for costs.

(Kamal Khata, J)

(M.S. Sonak, J)