

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13287 OF 2024

Abdullah Abdul Rehman & Ors.

....Petitioners

Versus

Municipal Corporation Of
Greater Mumbai & Ors.

....Respondents

Mr. Anil Sakhare *i/b. R.S. Mirpury, for Petitioners.*

Mr. D. R. Kawade *a/w. Mr. S.P., for Respondent Nos.1 and 2.*

Mr. Milind Sathe *a/w. O.A. Chandurkar, Addl.G.P. with Y.D. Patil, AGP for State.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : DECEMBER 19, 2025

ORDER :

1. All the three Petitioners in this Petition have pleaded that each of their respective operations of providing accommodation on a commercial basis, form subject matter of specific suits in which interim protections have been obtained, as pleaded in the Petition.

2. Based on newspaper reports, the Maharashtra State Human Rights Commission ("**Commission**") has initiated proceedings in Suo Motu Case No. 7949/13/16/2023, asking various Deputy Commissioners of Police of three different zones in Mumbai city and the municipal authorities, to provide reports on the status of allegedly

illegal hotels and lodging facilities prevalent in Kurla and other regions referred to in such newspaper reports, which includes the premises operated by the Petitioners. Various reports have been directed to be filed by these authorities from time to time.

3. Eventually, the last order found on record, was passed on August 8, 2024 with the matter being stood over to September 24, 2024. The precise current status of the case opened by the Commission is not on record. It is not clear if the case is still open or any further orders have been passed. None of the parties present has an update of what further has transpired in the matter since September 24, 2024.

4. The Commission has been added as Respondent No.6 by an amendment carried out in March 2025. It would be appropriate to call for an affidavit from the Registry of the Commission providing the status of the aforesaid *suo motu* case and whether it is intended to be persisted with. *Prima facie*, it is apparent that while the issues raised in the *Suo Motu* Case and the underlying newspaper reports may warrant attention of various public authorities, such issues may not fall within the jurisdiction of the Commission, which is concerned by human rights and rights of individuals in their relationship with the State. Every element of right to life under Article 21 of the Constitution of India may not, *prima facie*, become a matter of human rights. However, the

Commission may have with it material to indicate how the matter in hand may fall within its jurisdiction and therefore at the least, an affidavit providing a status report of the case from the Commission's registry would be vital.

5. Provisions in regulations made under the Protection of Human Rights Act, 1993 contain a pointer to matters which may otherwise involve elements of human rights, but applications about which, may be rejected *in limine* by the Commission. However, while such provisions deal with rejecting applications made by parties to the Commission, the matter in hand is a case initiated by the Commission on its own motion on seeing newspaper reports.

6. In these circumstances, the Registrar of the Commission is directed to file an affidavit in reply giving the present status of the matter and if any orders have been passed which would have a bearing on the matters that are already *sub judice* in cases in which the three Petitioners are involved.

7. A Learned Single Judge of this Court has already granted protection to the Petitioners by directing that any interim protection that is already granted to them by Civil Court in the litigation referred to

by them would not be disturbed by any directions passed by the Commission.

8. The affidavit of the Commission shall be filed within a period of four weeks from today. Rejoinder, if any, may be filed within a week thereafter.

9. Stand over to ***January 30, 2026***.

10. Learned Advocates for the Petitioner shall serve a copy of this order on the Registry of the Commission to highlight that an update as to the current status of the matter is expected by the next date.

11. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]