

Mr. Joel D'Souza i/by Yatin Shah, for the petitioner.

Ms. D.S. Deshmukh, AGP, for the respondent no. 1/State for respondent no. 3 in WP/9500/2025.

DATE : 17th JULY 2025

Not on board. Upon mentioning taken on production board.

1. Heard the learned counsel for the parties.
2. The challenge in this petition is to an order dated 6th November 2024 passed by the Deputy Registrar, Slum Rehabilitation Authority, Brihan Mumbai granting recovery certificate against petitioner no. 2 and Nooralam Kasim Mirza, Petitioner no. 1 claims to be the widow of Nooralam Kasim Mirza.

3. Learned counsel for the petitioners invites the attention of the Court to the death certificate of Nooralam Kasim Mirza which indicates that Nooralam Kasim Mirza, the respondent No. 1 in the said proceeding, passed away on 17th May 2021. A grievance is also made that notices of the proceeding were not served on the petitioner no. 2 as well, and the proceeding was closed without providing an effective opportunity for hearing.

4. Learned counsel for Respondent no. 2 submitted that Petitioner no. 2 herein was a party to the said proceeding and, thus, the impugned order cannot be challenged on the ground that the proceeding was instituted against a dead person.

4. Since the impugned order is passed against a dead person, it would not be possible to sever the impugned order so far as its applicability to the petitioner no. 2.

5. It is, therefore, expedient in the interest of justice to remand the matter back to the Deputy Registrar for afresh determination.

6. Hence, the following order:

ORDER

- i) The petition stands allowed.
- ii) The impugned order stands quashed and set aside
- iii) Proceeding No.SRA/CO/OW/2024/59494 is restored to the file of the Deputy Registrar.

iv) The parties, including the petitioners, shall appear before the Deputy Registrar on 28th July 2025.

v) The Deputy Registrar shall provide an effective opportunity of hearing to the parties, including the petitioners, and pass an appropriate order in accordance with law.

7. The petition stands disposed.

(N.J. JAMADAR, J)