



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12045 OF 2025
WITH
INTERIM APPLICATION (St.) No. 32893 OF 2025

Anjuman Khuddam E Millat Ahale Sunnar

Noore Mohammadi Sunni Masjid

... Petitioner

Versus

Apex Grievance Redressal Committee & Ors.

... Respondents

Mr. Yusuf Khan i/b. Mr. Adil H. Modi for the petitioner/applicant.

Ms. Ravleen Sabharwal a/w. Ms. Aarushi Yadav for respondent nos. 1 to 3.

Mr. Sudhanva S. Bedekar a/w. Mr. M.V. Limaye for respondent no. 4.

Mr. B.V. Samant, Addl. G.P. a/w. Mr. Swapnil Kamble, AGP for the State.

Ms. Nikita Lad i/b. Saga Legal for respondent no. 5.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 8 October, 2025

P.C.

1. We have heard learned counsel for the parties on the present proceedings.
2. This petition under Article 226 of the Constitution of India is filed praying for the following reliefs:

“(a) declare that final supplementary Annexure II dated 09.10.2024 is legal, valid and binding upon the respondents and further declare that subsequently issued final Supplementary Annexure II dated 24.11.2024 is illegal, null, void, ab-initio and without authority of law.

(b) Call for the record and proceedings from respondent no. 1 of impugned order passed dated 25.07.2023 u/s. 33 and 38 of Slum Act, 1971.

(c) Call for the record and proceedings from the Wakf Tribunal in Waqf suit no. 177 of 2024.

(d) Quash and set aside the impugned order dated 25.07.2023 passed by Id. Tahasildar-3(Special Cell) SRA.

(e) Quash and set aside the impugned order dated 27.06.2025.

(f) Grant interim protection by directing status quo in respect of the suit property till disposal of the main application.

(g) To appoint Court Commissioner for verifying that petitioner is Masjid or Madarsa and said report be filed to meet the ends of justice.

(h) Direct the developer and SRA to allot a separate independent building for the Masjid in accordance with DCPR 20234, Madarsa is Islamic school is not covered under the purview of religious structure.”

3. At the outset, we may observe that prayer clause (e) appears to be a challenge to an order dated 27 June, 2025 passed below Exhibit 5 by the Maharashtra State Waqf Tribunal, Aurangabad in Waqf Suit No. 177 of 2024 (“Exhibit D” page 53 of the Writ Petition paper book) whereby Exhibit 5 application as filed by the petitioner was rejected holding that the petitioner has failed to establish any *prima facie* case, as balance of convenience was not in favour of the petitioner. It was observed that, also, there was no irreparable loss, as the petitioner’s eligibility has been decided for the purpose of slum rehabilitation scheme. The observations in that regard is required to be noted, which reads thus:

“35. So far as the irreparable loss is concerned, the plaintiff has already submitted to the S.R.A. and has sought eligibility certificate. Already the one of the building of rehabilitation has been constructed and the construction of another building is in progress. The plaintiff has been found to be eligible and an alternative permanent accommodation plan has been approved by the S.R.A. on 25.03.2025. Under such circumstances, the plaintiff would not suffer irreparable loss.

36. On the contrary, if the injunction is granted, the entire scheme under the S.R.A. which consists of n number of persons found eligible under the slum rehabilitation scheme for permanent alternative accommodation would be affected. As such, no irreparable loss would be caused to the plaintiff. Rather irreparable loss would be caused to the defendant nos. 1 to 3. Hence, we answer point no. 3 accordingly.”

4. The aforesaid order passed by the Maharashtra State Waqf Tribunal was assailed by the petitioner before this Court in Writ Petition No. 9596 of 2025

wherein by order dated 15 July 2025, this Court had permitted the petitioner to approach the Appellate Authority, i.e., Apex Grievance Redressal Committee.

5. The petitioner has accordingly approached the Apex Grievance Redressal Committee (AGRC) by filing Appeal No. 251 of 2025, in which an interim order dated 14 August, 2025 has been passed, which clearly records that already a Permanent Alternate Accommodation Agreement dated 2 September 2023 was entered with the petitioner. This indicates that the petitioner accordingly has acquiesced in the slum scheme as also had accepted the position that the petitioner has occupied the premises wherein a Madrasa was conducted and not a mosque. The said order is required to be noted, which reads thus:

“1. Appellant is challenging the order dated 25.07.2023 passed by the Respondent No.1 under section 33/38 of Slum Act whereby Appellant is directed to vacate his structure within 10 days under S.R. Scheme of Jankalyan CHS situated on plot of land bearing CTS No. 334, 335 and 336 Village Bhandup, Taluka Kurla.

High Court Order:-

2. Appellant had filed Writ Petition No. 9596 of 2025 before the Hon'ble High Court at Bombay. Aforesaid Writ Petition was listed for hearing on 15.07.2025 on that day after hearing concerned parties, Hon'ble High Court has passed following order:

“7. To facilitate the Petitioners to approached the Appellant Authority, the pugnated order passed by the tribunal shall continue to operate for two weeks am today.

8. The Petitioner stands disposed off.

9.

10. In the event the Appeal is filed the Appellate authority is requested to hear and decide the Appeal as expeditiously as possible.”

Accordingly present Appeal is listed on Mentioning Board on 14.08.2025.

3. During the hearing, Advocate for the Appellant submitted that Appellant is eligible Slum dwellers for Mazjid under subject S R scheme. Being an eligible Slum dwellers Appellant is entitled for Permanent Alternate Accommodation as religious structure. Further, as per Regulation 2(IV)(17) (VI)(a),(k), (b)(i) of DCPR 2034 the Mosque are assembly/public buildings and it should be rehabilitated separately on subject plot of land. However, Respondent No. 3 is providing rehab tenement on 2nd Floor of the Rehab Building. Further, Appellant is not against the scheme He is ready to vacate the structure if Developer is ready to provide religious rehab structure separately on subject plot of land.

4. During the hearing, Advocate for Respondent No. 3 submitted that, Initially Appellant was declared non eligible Slum dwellers under subject S R Scheme. Thereafter, Appellant became eligible in the year 2024. Appellant is eligible for Madrasa and not a mosque. **Hence, rehab Tenement can be allotted on second floor of the Rehab Building. Further, the trustees of the said Madrasa had entered into the Permanent Alternate Accommodation dated 02.09.2023. with Respondent No. 3 Developer. In the said Agreement the disputed structure is mentioned as Madarasa.**

5. There are total 631 Slum dwellers under subject S R Scheme. All the slum dwellers have vacated their respective structures. Only the Appellant is refusing to vacate his structure resulting into delay in implementation of subject S R Scheme.

6. **Considering the aforesaid facts of the case this Committee is of view that Appellant has executed Permanent Alternate Accommodation with the Respondent No. 3 Developer, wherein it is clearly mentioned that the Appellant is occupying Madarasa and not the mosques. Further, said Agreement is signed by the Trustees of the Appellant Trust. Aforesaid fact was also confirmed by the Trustees of the Appellant Trust who were present before the Committee during hearing. The Appellant has agreed and executed Agreement for Permanent Alternate Accommodation against the structure being Madarasa, hence he now cannot raise objection at this stage and stall the entire Scheme.**

7. In view of same, this Committee *prima facie* does not find any merit to grant any relief. Therefore *ad-interim* or interim reliefs is rejected. Appellant to produce resolution of the Trust for filing present Appeal before next date of hearing. In the meantime, parties to file Written Submission.

Matter to be listed thereafter for hearing.”

(emphasis supplied)

6. We are inclined to agree with the findings recorded by the AGRC in interim order dated 14 August, 2025 and more particularly considering the observations which are made in paragraphs 3 to 6 of the said order. We are, therefore, not inclined

to grant any protection to the petitioner.

7. It is informed by the learned counsel for the developer as also the learned counsel for SRA that the petitioner's structure is the only structure which is obstructing the development. The petitioner has already entered into Permanent Alternate Accommodation Agreement and has rendered itself entitled for a permanent alternate accommodation. The Petitioner cannot take a position contrary to the Permanent Alternate Accommodation Agreement (PAAA).

8. In any event, insofar as the claim of the petitioner is concerned, in whatever alternate premises the petitioner would become entitled, the issue would be decided by AGRC finally in the pending appeal on which the aforesaid interim orders are passed, however, the petitioner cannot cause hurdles in the implementation of the slum scheme to the prejudice of several others, by not vacating the structure.

9. In this view of the matter, we are not inclined to entertain this petition. We dispose of this petition keeping open all contentions of the petitioner to be urged before the AGRC.

10. Needless to observe that as requested on behalf of the petitioner it would be certainly permissible for the Petitioner to approach the AGRC for early disposal of the appeal. Let the same be decided as expeditiously as possible and preferably within a period of ten weeks from today.

11. In view of disposal of petition, Interim application does not survive and it is accordingly disposed of.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)