

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12627 OF 2025

Mohammed Zamir Shafatullah Khan ... Petitioner

V/s.

Dy Collector Special Cell Mumbai ... Respondents
City SRA and Ors.

Mr. Kanhaiya Yadav i/by Ankit Dubey, for the petitioner.

Mr. Gaurav Srivastav with Aarushi Yadav I.by Ravian Sabharwal, Panel Advocate for the SRA.

Mr. S.D. Chipade AGP, for the State.

Mr. Shivangi Bhatawadekar i/by Neha Bhosale, for the respondent no. 5.

CORAM : N.J. JAMADAR, J.

DATE : 1ST OCTOBER 2025.

PC:

1. The challenge in this petition is to an order dated 14th August 2025 passed by, the Apex Grievance Redressal Committee in Appeal No. 218 of 2025, whereby the appeal preferred by the petitioner against an order dated 4th June 2025 passed by the Deputy Collector (Special Cell) SRA-Competent Authority under Section 33 of the Maharashtra Slum Areas (Improvement, Clearance And Redevelopment) Act, 1971, came to be dismissed.

2. By the said order dated 4th June 2025, the Competent Authority has directed the petitioner to vacate his rehab tenement within seven days under the subject slum Rehabilitation Scheme on the plot of land bearing CTS No. 40(pt), 42(pt) and 91(pt), Dharavi, Mumbai for Muslim Nagar Bhartiya SRA CHS.

3. While dismissing the appeal, the AGRC, inter alia, observed that the appellant had failed to include his name in the Annexure-II in place of Late Shaikh Rabiya Hansa, the mother of the respondent no. 4. The eligibility of the petitioner was not yet decided. Therefore, though the petitioner was in possession of the subject rehab tenement, the Competent Authority had rightly passed the order of eviction under Section 33 of the Slum Act. While upholding the order, the AGRC directed the Competent Authority/SRA to decide the appeal of the appellant, if any, pending for decision on eligibility of the petitioner expeditiously.

4. The learned counsel for the petitioner seeks leave to tender the copy of Annexure-II dated 5th September 2025 issued by the respondent no. 6.

5. Leave granted.

6. Copy of Annexure-II is taken on record.

7. It appears that, in the said Annexure-II prepared on 5th September 2025, the eligibility of the petitioner is certified by the Competent Authority.

8. In view of the aforesaid development, the very foundation of the

impugned orders that, the petitioner's eligibility was not certified by the Competent Authority, gets dismantled.

9. Learned counsel for the respondent no. 4 submitted that, the said eligibility of the petitioner has been determined without providing an opportunity of hearing to the petitioner and by relying upon false and forged documents, and the respondent no. 4 would assail the determination of the eligibility of the petitioner by filing an appropriate proceeding.

10. All these contentions cannot be entertained in this petition and at this stage. The appropriate course for the respondent no. 4 would be to assail the determination of the eligibility of the petitioner by filing an appropriate proceeding under the Act, 1971.

11. The petition, therefore, stands allowed, and the impugned orders stand quashed and set aside.

12. It is, however, clarified that, in the event the eligibility of the petitioner is set aside in the proceeding which may be filed by the respondent no. 4, the consequences in law will follow and the Competent Authority would be free to take action for eviction of the petitioner.

13. In the meanwhile, the petitioner shall not part with the possession of the subject tenement nor the petitioner shall create any third party interest therein.

14. In the event the respondent no. 4 files proceeding assailing the legality and validity of the determination of the eligibility of the

petitioner, the Competent Authority shall decide the same on its own merits and in accordance with law as expeditiously as possible.

(N.J. JAMADAR, J)