

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION (L) NO. 38503 OF 2024
IN
WRIT PETITION NO. 157 OF 2025**

Shreeji Developers .Applicant

IN THE MATTER OF

Jaishree Waman Parab & ors. .Petitioners

vs.

The Deputy Collector (Enc. & Rem.) & Competent .Respondents
Authority – 8, Mumbai & ors.

**WITH
INTERIM APPLICATION (L) NO. 38501 OF 2024
IN
WRIT PETITION NO. 153 OF 2025**

Shreeji Developers .Applicant

IN THE MATTER OF

Yogesh Durgaprasad Shukla & ors. .Petitioners

vs.

The Deputy Collector (Enc. & Rem.) & Competent .Respondents
Authority – 8, Mumbai & ors.

**WITH
WRIT PETITION NO. 157 OF 2025**

Jaishree Waman Parab & ors. .Petitioners

vs.

The Deputy Collector (Enc. & Rem.) & Competent .Respondents
Authority – 8, Mumbai & ors.

Ms. Manisha Gawde a/w. Mr. Y. E. Mooman, Advocates, for the Petitioners

Mr. Vishwanath Patil a/w. Mr. Kedar Nhavkar, Advocates, for Respondent No. 1 – SRA

Mr. Kunal Bhanage a/w. Mr. Ranvir Shekhawat i/b. Raj Legal, Advocates, for Respondent No. 2

Mr. Akshay Patil a/w. Ms. Devika Madekar & Mr. Mayur Thorat i/b. Mr. Sameer K. Sawant, Advocates, for Respondent No. 3 and for the Applicant in I. A. (L) No. 38503 of 2024

Mr. G. S. Bhat, Advocate, for Respondent No. 4

CORAM : R. I. CHAGLA, J.

DATE : 22.01.2025

P C.

1. By these Interim Applications, the Applicant/Respondent No. 3 has sought for modification of the Order dated 21.06.2024 and for permission to the Applicant/Respondent No. 3 to restart and commence the construction on the property. The prayer clause (b) reads as under :-

“b. Without prejudice to prayer (a), Pending hearing and final disposal of the Petition, this Hon’ble Court be pleased to modify the order dated 21st June 2024 and permit the Applicant to restart and commence the construction at property bearing Survey No. 44, Hissa No. 5 bearing CTS No. 217 admeasuring 6924.06 sq. yards equivalent to 5791.5 sq. mtrs. situated at Vikhroli (East), village Hariyali, Taluka Kurla District Mumbai Sub-urban District without affecting the structures occupied by the Petitioners.”

2. This prayer is without prejudice to prayer clause (a) which is for vacation of the status-quo Order dated 21.06.2024 passed in the Writ Petition.

3. The Applicant/Respondent No. 3 in the Writ Petition has submitted that the status-quo Order which has been passed on 21.06.2024 has stalled re-development of the property and the rehabilitation of the eligible occupants of the said property is stopped. The Applicant/Respondent No. 3 has further stated that there are 86 eligible occupants who have already vacated the said premises for the purpose of demolition of the structure and they require rehabilitation. The Petitions have been filed in respect of ten structures and which seek to challenge the declaration of slum area by the competent authority.

4. Learned counsel for the Petitioners has submitted that the Petitions are required to be heard at the stage of admission as directed by this Court. The status-quo Order passed way back on 21.06.2024 and re-development of the said property has been stalled due to passing of the status-quo Order by this Court. He has submitted that the Petitions would necessarily require to be heard.

5. Having considered the submissions, it is necessary to note that re-development of the said property which has been declared as slum

area has been stalled by the status-quo Order and which adversely affects 166 occupants including 86 occupants who have already vacated their premises in the said property.

6. The Petitioners have challenged the Order dated 07.03.2024 passed by the Slum Tribunal dismissing Appeal No. 11 of 2018 filed by the Petitioners and declaring the said property as slum area. Re-development which is being carried out by the Applicant/Respondent No. 3 is pursuant to the said Notification issued by the Competent Authority dated 06.08.2015 declaring the said property as slum area.

7. Considering all these factors, the relief sought for by the Applicant/Respondent No. 3 requires to be granted particularly, since in prayer clause (b), the Applicant/Respondent No. 3 has sought for restarting and/or recommencing re-development of the said property without affecting the structures occupied by the Petitioners. Thus, in my opinion, the Petitioners will not be adversely affected by the re-development of the said property, particularly, since the structures occupied by the Petitioners are not going to be affected pending the hearing and final disposal of the Petitions.

8. Accordingly, the following order is passed.

O R D E R

(i) The status-quo Order dated 21.06.2024 passed by learned Single Judge (Coram : Madhav J. Jamdar, J.) of this Court is modified by permitting the Applicant/Respondent No. 3 to restart and/or recommence the construction of the said property without affecting the structures occupied by the Petitioners;

(ii) The Writ Petitions are required to be heard independently and there is a direction of hearing the Writ Petitions finally at the stage of admission.

9. Accordingly, the Interim Application (L) Nos. 38503 and 38501 of 2024 stand disposed of with no order as to costs.

10. The Writ Petitions being W. P. Nos. 153 and 157 of 2025 be listed on **05.02.2025**.

11. Learned counsel for the Applicant/Respondent No. 3 has prayed for stay of the aforesaid Order.

12. Considering the fact that this Order nowhere affects the structures of the Petitioners, prayer for stay of the aforesaid Order stands rejected.

(R. I. CHAGLA, J.)