

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

WRIT PETITION (L) NO. 34771 OF 2024
WITH
INTERIM APPLICATION (L) NO. 20843 OF 2025
IN
WRIT PETITION (L) NO. 34771 OF 2024

Javed Abdul Rahim Attar & Ors. ...Petitioners
Vs
The Maharashtra Housing & Area Development
Authority & Ors. ...Respondents

WITH
WRIT PETITION NO. 4247 OF 2024
WITH
INTERIM APPLICATION (L) NO. 8139 OF 2025
IN
WRIT PETITION NO. 4247 OF 2024

Vijay Anant Nagwekar ...Petitioner
Vs
Municipal Corporation of Gr. Mumbai & Ors. ...Respondents

WITH
WRIT PETITION NO. 2637 OF 2025
WITH
INTERIM APPLICATION NO. 1382 OF 2024

Dharsey Khetsey Charities Trust ...Petitioner
Vs.
The State of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO.934 OF 2025

Bharat Kishormal Shah. ...Petitioner
Vs.
State of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO.1783 OF 2024

Bhagwati Gordhandas ...Petitioner
Vs.
Mumbai Bldg. Repair & Reconstruction Board & Ors. ...Respondents

WITH
WRIT PETITION (L) NO.1105 OF 2025
WITH
INTERIM APPLICATION (L) NO. 10427 OF 2025

Abdur Razzaq Ismail Holy ...Petitioner
Vs.

Maharashtra Housing & Area Development
Authority and Ors.

...Respondents

AND
WRIT PETITION (L) NO. 23962 OF 2025

Zoeb Zennuddin Merchant Secretary

... Petitioner

Vs.

Mumbai Municipal Corporation Thr.

The Municipal Commissioner Mahapalika Bhavan & Ors. ... Respondents

WITH
WRIT PETITION NO. 2545 OF 2025
WITH
WRIT PETITION NO. 2109 OF 2025
WITH
WRIT PETITION (L) NO. 17966 OF 2025
WITH
WRIT PETITION (L) NO. 2796 OF 2025
WITH
WRIT PETITION (L) NO. 20495 OF 2025
WITH
WRIT PETITION NO. 4138 OF 2024
WITH
WRIT PETITION NO. 4208 OF 2024
WITH
WRIT PETITION (L) NO. 32824 OF 2024
WITH
WRIT PETITION (L) NO. 32822 OF 2024
WITH
WRIT PETITION (L) NO. 32826 OF 2024

WPL/34771/2024 With IAL/20843/2025 in WPL/34771/2024

Mr. Janak Dwarkadas, Sr. Adv. a/w Mr. P. G. Lad, Ms. Namrata Vinod, Ms. Sayali Apte & Ms. Anjali Maskar for MHADA.

With WPL/1105/2025 With IAL/10427/2025 in WPL/1105/2025

Mr. Prakash Mahadik for Petitioner.

Ms. K. H. Mastakar i/b Ms. Komal Punjabi for BMC.

Ms. Dhvani Desai for R. No. 11 To 13.

With WP/934/2025

Mrs. Yamin Bhansali a/w Tina Sura i/b Yasmin Bhansali & Co. For Petitioner.

With WP/1783/2024

Mr. Yashodeep Deshmukh, Gurubal Birajdar i/b Babita Kesharwani for R. No. 4.

Mr. Ramachandran Narayanan i/b Narayanan & Narayanan for R. No. 7, 8, 10, 13, 16, 21, 22, 23, 27, 28, 32, 34, 35, 38, 41, 42 To 44, 46 To 48, 51, 54, 56 and 61.

With WP/2545/2025

Mr. Simil Purohit, Sr. Adv. a/w Mr. Sahil Harjani, Ms. Riddhi Badheka i/b Desai & Diwanji for Petitioner.

With WP/2637/2025

Mr. G. S. Godbole, Sr. Adv. i/b Mr. Deepak Jadhav for Petitioners.

With IA/1382/2024 in APP/522/2009 With WP/2109/2025

Mr. Sanket M. Mungale for Petitioner.

With WPL/17966/2025

Mr. Sankalp A. Sharma for Petitioner.

Ms. Neuty Thakkar i/b Mr. Tushar Goradia for R. No. 2.

With WP/2796/2025

Mr. Arshad Shaikh, Sr. Adv. a/w Mr. Abdul Bari Ansari for Petitioner.

With WPL/20495/2025 With WP/4138/2024

Mr. Alizain Patel i/b Patel Associates for Petitioner.

Mr. Sharad Wakchoure for R. No. 7.

With WP/4208/2024

Mr. Sharad Wakchoure for R. No. 7.

With WP/4247/2024

Mr. Sameer R. Bhalekar for Petitioner.

Mr. Sameer Singh for R. No. 7.

With IAL/8139/2025 in WPL/4247/2024

Mr. Zishan Quazi for Applicant.

With WPL/32822/2024

Mr. Alizain Patel i/b Patel Associates for Petitioner.

With WPL/32824/2024

Mr. Alizain Patel i/b Patel Associates for Petitioner.

With WPL/32826/2024

Mr. Alizain Patel i/b Patel Associates for Petitioner.

CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.

DATE: 12 AUGUST 2025

P.C.

1. We passed a detailed order dated 28 July 2025 on these batch of petitions. The operative orders passed by this Court are in paragraph 33, when we have *inter alia* appointed a Committee headed by Shri Justice J. P. Devadhar Former Judge of this Court along with Shri Vilas G. Dongre, Retired Principal District Judge to examine the issues in the light of our observations as set out in the said operative directions.

2. We are informed by Mr. Janak Dwarkadas, learned senior advocate appearing for the MHADA, along with Mr. Lad, learned counsel, that the order passed by this

Court on the batch of petitions namely **Javed Abdul Rahim Attar & Ors.** (Writ Petition (L) No. 34771 of 2024) is assailed by the MHADA, before the Supreme Court in Petitions for Special Leave to Appeal (C) Nos. 21699/21705 of 2025.

3. We are also informed that the decision of the coordinate Bench of this Court in **Vimalnath Shelters Pvt. Ltd. & Ors. Vs. State of Maharashtra, Through Ministry of Housing, Mantralaya & Ors**¹. dated 3 April 2025 is also assailed by the MHADA before the Supreme Court.

4. In such context, our attention is drawn by Mr. Dwarkadas to an order dated 8 August 2025 passed by the Supreme Court in the case of **MHADA Vs. Javed Abdul Rahim Attar** (supra) which records that notice is issued on such SLP's and the proceedings are now made returnable on 16 September 2025. Also the connected matters are directed to be tagged alongwith the said proceedings.

5. Our attention is also drawn by Mr. Dwarkadas to an order dated 4 August 2025 passed by the Supreme Court in **Ashwin Vira & Ors. Vs. Vimalnath Shelter Pvt. Ltd.** which challenges the decision of the coordinate bench of this Court in **Vimalnath Shelters Pvt. Ltd. (supra)**.

6. From what has been urged at the bar, the proceedings arising from our orders dated 28 July 2025 passed by this Court (supra) are now subjudice before the Supreme Court. However, as very fairly submitted by Mr. Dwarkadas, the said orders passed by this Court are not stayed by the Supreme Court. Hence he has fairly submitted that the said Committee appointed by us needs to proceed with the enquiry. In this view of the matter, Mr. Dwarkadas has drawn our attention to paragraph No.33 (x) of our orders that the Vice Chairman of the MHADA is providing suitable venue, conference hall for the committee to hold its sittings, as also provide appropriate Administrative & Secretarial Assistance, to the Committee. Accordingly, the committee would now proceed with the enquiry as assigned to it.

¹ 2025 SCC OnLine Bom 1109

7. We are informed that the learned Prothonotary and Senior Master has already forwarded a copy of this order to the learned members of the committee. We also request the MHADA to appoint a Liaisoning Officer who shall also immediately coordinate with the learned members of the Committee, so that the committee can commence its proceedings.
8. We have requested Mr. Dwarkadas and Mr. Lad that appropriate honorarium for the learned members of the Committee needs to be fixed. They have fairly accepted to do so. Accordingly steps be taken by the Vice Chairman.
9. In the light of the above discussion, the orders to be passed by the Supreme Court on the pending proceedings, need to be awaited.
10. We accordingly adjourn these proceedings to be taken up on **10 October 2025** to be listed under the caption 'for direction'.
11. Liberty to apply in the event, any further orders are sought to be obtained by the parties.
12. Ad-interim orders passed earlier shall continue to operate till the adjourned date of hearing.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)