

Shailaja

This order is corrected vide order dated 18th June, 2025

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

WRIT PETITION NO.1806 OF 2025

Kalimunisa Mohammad Abid Shaikh] Petitioner
Vs.
The Chief Executive Officer and others] Respondents

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Mr. Khwaja Shaikh, for Petitioner.

Mr. Nishingandh N. Patil, for Respondents No.1 to 4.

Ms. Kinjal Kakkad i/b Mr. Jayesh Vyas, for Respondent No.7.

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

DATE : 12th JUNE, 2025.

P.C:

1. This Petition under Article 226 of the Constitution of India is filed for the following substantive reliefs;

a) This Hon'ble High Court be pleased to issue writ of certiorari or any other appropriate writ under the article 226 of the Constitution of India and direct to the Respondent No.1 & 2 to consider all the objections and suggestions and further prepare fresh Annexure-II after resurvey.

b) This Hon'ble High Court be pleased to issues writ of certiorari or any other appropriate writ under the article 226 of the constitution of India and direct to the Respondent No.1 to delete all the fake/bogus structures recorded in Annexure-II of 82 tannate issued on 31/01/2007 by the Additional Collector (ENC/EVI) (Appellate Authority), under the provisions of the Maharashtra Slum Areas (I.C. & R) Act, 1971.

c) That the complete record and proceedings of the Additional Collector (ENC/EVI) be called for, to ensure proper review of the case and rectify the fraudulent actions.

d) That legal action under the Indian Penal Code be initiated against the responsible parties, including the developer, the society's president, and the secretary.

e) The Petitioner requests that legal action be initiated under Sections 101, 102, 177, 199, 192, 200, 420, 435, 467, 468, 471, 120B, and 34 of the Indian Penal Code, 1860, against the developer, the architect, the president, and the secretary of the society also order the Survey Officer. Plot No.254, 'A to E' should be Re- Counted.

f) The Petitioner respectfully submits that the reliefs requested be granted to ensure justice is done, and to hold the responsible parties accountable for their fraudulent actions.

2. We find that the petitioner has a serious grievance in regard to the Annexure-II which according to the petitioner is issued illegally. On such

grievance, the petitioner has already approached the Chief Executive Officer of the Slum Rehabilitation Authority, by making repeated representations. Copies of the said representations are annexed to the petition. Grievance of the petitioner is that such representations/complaints are not being decided.

3. In the aforesaid circumstances, we are of the opinion that it is appropriate that the Chief Executive Officer considers the said representations made by the petitioner and after granting an opportunity of hearing to the petitioner, the developer as also to the representative of the respondent No.9 – New Andheri Gilbert Hill SRA Co-operative Housing Society Limited, take an appropriate decision on the petitioner's representations in accordance with law.

4. Let this exercise be completed within a period of four weeks from the date of this order being presented before the Chief Executive Officer. All contentions in that regard are expressly kept open.

5. The Petition stands disposed of in the aforesaid terms. No costs.

[ARIF S. DOCTOR, J.]

[G.S. KULKARNI, J.]