

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

WRIT PETITION NO.3510 OF 2025

Shaikh Mohammed Afzal
& Others .. Petitioners.
v/s.
The Slum Rehabilitation Authority
& Others .. Respondents.

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Adv. Swapnil Bangur with Mr. Vinod P. Sangvikar, for the Petitioners.
Adv. Niket Walke i/b. Adv. Ravleen Sabharwal, for the Respondents.

CORAM: FIRDOSH P POONIWALLA,J.
DATE : 1st DECEMBER, 2025.

ORAL JUDGEMENT:-

1 **RULE.** Rule made returnable forthwith and heard finally.

2 This Writ Petition has been filed seeking to challenge the Order dated 18th July, 2025 passed by Respondent No.3.

3 The Petitioners had filed a Complaint dated 13th February, 2025 in respect of the affairs of the meeting held on 8th October, 2024, which was conducted for appointing a developer for the Slum Rehabilitation Project.

4 It is the case of the Petitioner that since, at the highest, only 242 persons were present at the said meeting, 51% of members (i.e. 261 members) required for appointing the developer were not present at the

said meeting and a developer could not have been appointed at the said meeting.

5 Since, despite various representations, the Complaint dated 13th February, 2025 of the Petitioners was not decided by the Authorities, the Petitioners filed a Writ Petition, being Writ Petition (L) No. 7444 of 2025, seeking a Writ of Mandamus directing the Respondents therein to hear and decide the Complaint dated 13th February, 2025 of the Petitioners.

6 In the said Writ Petition, an Order dated 17th June, 2025 was passed by a Division Bench of this Court whereby the Petition of the Petitioner was allowed in terms of prayer clause (a) (which sought a writ of mandamus) with directions to the Respondent-Authorities to hear and dispose of the Complaint made by the Petitioners within a period of four weeks from the date on which a copy of the said order was uploaded.

7 Thereafter, on 11th July, 2025, Petitioners received a notice fixing the hearing on 16th July, 2025, at 12.00 noon.

8 The Petitioners realized that the hearing was fixed on 16th July, 2025 before Respondent No.3, who had made a report of the aforesaid meeting. However, despite objections of the Petitioners, they were directed to file Written Submissions on 16th July, 2025.

9 The Petitioners filed their Written Submissions. In the Written Submissions, it was pointed out that the Complaint was in respect of the challenge to the affairs of the meeting on 8th October, 2024, which

culminated into a Report dated 14th October, 2024, which was prepared by Respondent No.3 who was now hearing the Complaint. The Petitioners contended that Respondent No.3 could not sit in Appeal over his own order. Further, in the Written Submissions, the Petitioners also pointed out that, since 261 members were not present at the said meetings held on 8th October, 2024, 9th October, 2024 and 10th October, 2024, the question, of the developer being appointed by majority of 51%, did not arise.

10 Despite the said objections from the Petitioners, the impugned Order dated 18th July, 2025 has been passed by Respondent No.3.

11 The Respondents, though served, are absent.

12 It is the submission of Mr. Bangur, the learned Counsel appearing on behalf of the Petitioners, that, despite this Court, by its Order dated 17th July, 2025 directing the authorities to decide the Complaint of the Petitioners, the Order dated 18th July, 2025 records that, if the Petitioners had any objections regarding the meetings, they can file an Application with the Complaint Redressal Committee, Mumbai Information Commissioner, and seek redress. Mr. Bangur submitted that this was completely contrary to the Order dated 17th June, 2025 passed by this Court wherein the Respondent-Authorities were directed to decide the Complaint of the Petitioners.

13 Further, Mr. Bangur pointed out that, even on merits, Respondent No.3 has not examined the Complaint and passed orders without giving reasons for the same.

14 In my view, the Order dated 18th July, 2025 is firstly required to be set aside mainly on the ground that Respondent No.3, who prepared the Report dated 14th October, 2025, was sitting in Appeal over his own Order. This is in gross violation of the principles of natural justice and fair play.

15 Further, as rightly pointed out by Mr. Bangur, the impugned Order, instead of considering the grievance of the Petitioners, has stated that if the Petitioners had any objections regarding the general meeting, they can file an Application with the Complaint Redressal Committee, Mumbai Information Commissioner. In my view, this finding of Respondent No.3 is in total violation of the Order dated 17th June, 2025 passed by this Court whereby this Court had directed the Authorities to decide the Complaint of the Petitioners. Further, a perusal of the Order dated 18th July, 2025 clearly shows that objections of the Petitioners have not been considered and no proper reasons have been given for disposing of the objections of the Petitioners made in the Complaint dated 13th February, 2025.

16 For all the aforesaid reasons, the Order dated 18th July, 2025 passed by Respondent No.3 is hereby quashed and set aside. The CEO-SRA is directed to decide the Complaint dated 13th February, 2025 of the Petitioners, after giving notice and a personal hearing to the Petitioners.

17 The CEO-SRA is requested to decide the Complaint dated 13th February, 2025 of the Petitioners within a period of twelve weeks from the date of uploading of this order.

18 Rule made absolute in the aforesaid terms. There will be no order as to costs.

(FIRDOSH P. POONIWALLA,J.)