



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

WRIT PETITION NO. 4358 OF 2025

Heena Bano Shaikh Mohammad Lala

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Vaibhav D. Kadam a/w. Mr. Shrinath Badade, Vedika Bhoir, Rayyan Shah for the petitioner.

Mr. Prashant Kamble, AGP for the State.

Ms. Pushpa Yadav i/b. Ms. Komal Punjabi for BMC.

Ms. Rayleen Sabharwal a/w. Ms. Aarushi Yadav and Mr. Niket Walke for respondent nos. 7 and 8-SRA.

Mr. Hasan Mushabber, Ms. Rujuta Patil for respondent no. 10.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 19 November 2025

P.C.

1. We have heard learned counsel for the parties.
2. The reliefs as prayed for in this petition reads thus:

“a) Issue a Writ of Mandamus or any other appropriate writ, order, or direction in the nature of a Writ of Mandamus, thereby directing respondent no. 6 – The Competent Authority and Assistant Commissioner, G/South Ward, Municipal Corporation of Greater Mumbai (BMC) to forthwith and expeditiously comply with the directions issued by respondent no. 5 – The Additional District Collector and Appellate Authority, Mumbai City – vide order dated 28 November, 2024 and to decide the remitted matter concerning the petitioner’s eligibility for inclusion in Annexure __ of the Mata Ramabai Ambedkar Nagar S.R.A. Cooperative Housing Society (Proposed), within a strict time-bound period as may be deemed fit by this Hon’ble Court.

b) Issue a Writ of Mandamus or any other appropriate writ, order or direction in the nature of a Writ of Mandamus, thereby declaring that the demolition of the petitioner’s structure was illegal, arbitrary and in gross violation of the principles of natural justice, having been carried out in contravention of the order passed by the Hon’ble City Civil Court dated 16.01.2025 and the binding directions issued

by the Additional District Collector and Appellate Authority, Mumbai City, vide order dated 28.11.2024 and without awaiting the outcome of the due hearing process as mandated therein.”

3. Insofar as prayer clause (b) is concerned, it is asserted by the petitioner that there is a breach of the order passed by the City Civil Court. In this regard, we permit the petitioner to adopt appropriate proceedings before the City Civil Court, as in regard to such orders passed by the City Civil Court, it is for the petitioner to approach the City Civil Court as may be permissible in law including in any application under Order 39 Rule 2A of the Code of Civil Procedure.

4. Insofar as prayer clause (a) is concerned, we find that the Additional Collector/Competent Authority has passed an order dated 28 November, 2024 in regard to eligibility of the petitioner and considering the documents as placed on record in the proceedings of the said appeal, such appeal was being entertained by the said authority under Section 35 of the Maharashtra Slums Areas (Improvement, Clearance and Redevelopment) Act, 1971. By the said order dated 28 November, 2024, the proceedings were remanded to the Assistant Commissioner/Competent Authority, G-south Ward of the Municipal Corporation for an appropriate order to be passed. The grievance of the petitioner is that despite the order being passed on 28 November, 2024, the petitioner has not been granted any hearing and no order has been passed.

5. In this view of the matter, we direct the Assistant Commissioner/Competent Authority, G-South Ward to consider the proceedings on remand, as per the order

dated 28 November, 2024 passed by the Additional Collector/Appellate Authority and after granting an opportunity of hearing to the petitioner, pass an order in accordance with law as expeditiously as possible and in any event within a period of four weeks from the date the copy of this order is presented before the said authority. There shall not be any other extension to the said authority to decide the proceedings on remand. All contentions of the parties in this regard are expressly kept open. .

6. The petition stands disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)