



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
REVIEW PETITION NO. 22 OF 2025
IN
WRIT PETITION NO. 526 OF 2024
WITH
INTERIM APPLICATION (L) NO. 11830 OF 2025

1. Bharat Pandurang Kadam,
Adult, Indian Inhabitant,
H.No. 12, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai-400 015.
2. Gulam Mohammed Rafiq Panjabi,
Adult, Indian Inhabitant,
H.No. 01, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
3. Mohammed Salim Rafiq Panjabi,
Adult, Indian Inhabitant,
H.No. 03, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
4. Mohammad Ali Shoukat Ali Shaikh,
Adult, Indian Inhabitant,
H.No. 04, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
ewri, Mumbai- 400 015.
5. Mohammed Asalam Jamadar Jamadar,
Adult, Indian Inhabitant,
H.No. 05, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.

6. Samshad Hadi Shaikh,
Adult, Indian Inhabitant,
H.No. 06, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
7. Chandbi Gulab Shaikh,
Adult, Indian Inhabitant,
H.No. 07, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015
8. Jyoti Dagadu Gotmare,
Adult, Indian Inhabitant,
H.No. 09, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
9. Pandurang Vishwanath Dalavi,
Adult, Indian Inhabitant,
H.No. 10, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015
10. Badarshah Haidar Badshah,
Adult, Indian Inhabitant,
H.No. 11, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
11. Asama Banoo Mohammed Mustakim Shaikh,
Adult, Indian Inhabitant,
H.No. 13, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015
12. Mohammed Ibrahim Jamil Khan,
Adult, Indian Inhabitant,
H.No. 14, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.

13. Shivmohan Motilal Yadav,
Adult, Indian Inhabitant,
H.No. 16, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
14. Kalim Badruddin Ansari,
Adult, Indian Inhabitant,
H.No. 18, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
15. Bimlavati Motilal Yadav,
Adult, Indian Inhabitant,
H.No.19, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
16. Salim Rajjak Fakir,
Adult, Indian Inhabitant,
H.No. 20, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
17. Mumtaj Rajjak Fakir,
Adult, Indian Inhabitant,
H.No. 21, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
18. Abdul Usman Solkar,
Adult, Indian Inhabitant,
H.No. 22, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
19. Abdul Aziz Abdul Ismail Jamadar,
Adult, Indian Inhabitant,
H.No. 23, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.

20. Vishnu Pandurang Sapkal,
Adult, Indian Inhabitant,
H.No. 24, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
21. Asha Rajesh Tuplonde,
Adult, Indian Inhabitant,
H.No. 25, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
22. Badruddin Shaubat Ansari,
Adult, Indian Inhabitant,
H.No. 26, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
23. Malikunisha Mohammed Mustaqim Shaikh,
Adult, Indian Inhabitant,
H.No. 27, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
24. Ramesh Kumar Indradev Tiwari,
Adult, Indian Inhabitant,
H.No. 28, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
25. Mangala Manohar Jadhav,
Adult, Indian Inhabitant,
H.No. 29, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
26. Pandurang Ramchandra Kadam,
Adult, Indian Inhabitant,
H.No. 30, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.

27. Ajarunnisa Ameer Ahmed,
Adult, Indian Inhabitant,
H.No. 31, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
28. Mustaqim Ahamed Shaikh,
Adult, Indian Inhabitant,
H.No. 32, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
29. Azmatali Bechanali Khan,
Adult, Indian Inhabitant,
H.No. 33, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
30. Akbar Ali Hasan Shaikh,
Adult, Indian Inhabitant,
H.No. 34, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
31. Madhuri Mahajan Paikra,
Adult, Indian Inhabitant,
H.No. 35, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
32. Bharati Kisan Lokhande,
Adult, Indian Inhabitant,
H.No. 36, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
33. Pramod Gajanan Gangan,
Adult, Indian Inhabitant,
H.No. 38, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.

34. Satish Govind Wable,
Adult, Indian Inhabitant,
H.No. 39, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
35. Sarita Sitaram Pavaskar,
Adult, Indian Inhabitant,
H.No. 40, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
36. Pratibha Prabhakar Dolas,
Adult, Indian Inhabitant,
H.No. 41, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
37. Motiram Sonu Arde,
Adult, Indian Inhabitant,
H.No. 42, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
38. Fulchand Laxman Pawar,
Adult, Indian Inhabitant,
H.No. 43, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
39. Ram Fulchand Pawar,
Adult, Indian Inhabitant,
H.No. 44, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
40. Jahangir Ahmed Zakir Ali Qureshi,
Adult, Indian Inhabitant,
H.No. 46, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.

41. Mohammed Javed Mohammed Ali Shabdi,
Adult, Indian Inhabitant,
H.No. 48, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
42. Govind Baburao Vable,
Adult, Indian Inhabitant,
H.No. 49, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
43. Santosh Bhiva Kulaye,
Adult, Indian Inhabitant,
H.No. 50, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
44. Rita Rajendra Tiwari,
Adult, Indian Inhabitant,
H.No. 51, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
45. Shahjahan Mohd. Shabbir Shaikh,
Adult, Indian Inhabitant,
H.No. 52, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
46. Nisarul Haq Jiyaal Shaikh,
Adult, Indian Inhabitant,
H.No. 53, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.
47. Nasihat Parveen Mohd Naeem Shaikh,
Adult, Indian Inhabitant,
H.No. 54, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.

48. Aijazulhaq Nisarulhaq Shaikh,
Adult, Indian Inhabitant,
H.No. 55, Rajiv Gandhi Vasahat,
Fort Road, Near Colgate Company,
Sewri, Mumbai- 400 015.

...Review Petitioners/
Applicants/Original
Petitioners

Versus

1. Mumbai Ports Authority,
(Formerly known as The Board of Trustees
of the Port of Mumbai)
A statutory corporation having its
registered office at Vijay Deep, Shoorji
Vallabhdas Marg, Fort, Mumbai-400001.
2. Slum Rehabilitation Authority,
Administrative Building, Anant Kanekar Marg,
D Block BKC, Naupada, Bandra East,
Mumbai 400 051.
3. Union of India,
Through Office of Government Pleaders,
Original Side, Bombay High Court,
Fort, Mumbai- 400 001

...Respondents

Mr. R. K. Sharma a/w Mr. Soheb Shaikh Mr. Abdul Aziz, Mr. Malcolm Vaz,
for Petitioners/Applicants.

Mr. Vishal Talsania a/w Ruop Bajju, Mr. Ahmed Padela i/b The law Point
for the Respondent No.1

Mr. Jagdish A. Aradwad (Reddy), for Respondent No.2

CORAM : A. S. GADKARI &

DR. NEELA GOKHALE, JJ.

DATED : 8th MAY 2025.

Judgment :- (Per Dr. Neela Gokhale, J.)

1. The Petitioners seek review of the Order dated 10th January
2025 whereby the Petition was dismissed with a direction to comply with

the impugned eviction notice dated 30th October 2023 issued by the Respondent No.1 and vacate the premises within a period of four months from the date of uploading the said Order. The said Order was uploaded on 13th January 2025.

2. The original Petition assailed the eviction notice issued by the Respondent No.1 under Bye-law No.9 of its general Bye-laws. A Co-ordinate Bench of this Court in the matter of *Khurshid Ahmed Maksud Ahmed Khan v. Mumbai Port Authority & Ors.*,¹ in which case similar action was assailed by other set of Petitioners, had held that, the Petitioners have no legal right to continue to encroach the land belonging to the Respondent No.1 and there is no material to indicate that, there was any lease, license or allotment in favour of the Petitioners regarding the premises.

3. The Petitioners in the present Petition also did not have any material to establish their legal rights or entitlement to occupy the said premises. There were other Petitions, also dismissed by a Co-ordinate Bench of this Court on the same ground. These decisions were assailed in the Supreme Court by way of filing Special Leave Petitions (C) No.15137 of 2018. The Supreme Court by its Order dated 11th June 2018 dismissed the said Petitions only extending the time to vacate granted by this Court by a further period of three months from the date of its Order.

1 Writ Petition (L) No.6883 of 2024.

4. Considering that a challenge to the Bye-law No.9 was also rejected by a Co-ordinate Bench of this Court and the said Order being upheld by the Supreme Court, we were not inclined to interfere in the original Petition filed by these Petitioners and hence, dismissed the same by the impugned Order. The Petitioners were granted period of four months to vacate the said premises from the date of uploading the said Order. It is this Order, which is sought to be reviewed by these Petitioners.

5. Mr. R.K. Sharma, counsel appeared for the Petitioners. Despite the fact that there was no NOC given by the earlier counsel/advocate on record of the original Writ Petition, we proceeded to hear Mr. Sharma on his oral statement that, Mr. Prerak Choudhary, the earlier Advocate had no objection to him representing the Petitioners.

6. Mr. Sharma sought to re-argue the original Writ Petition on merits. Although no such ground was taken in the Review Petition, he contended that, the Supreme Court, while dismissing the SLPs against Orders passed by this Court in earlier Writ Petitions had extended the time granted by this Court by a further period of three months and hence, this Court, in the present matter ought to have given these Petitioners corresponding time to vacate. No other ground was either urged before us, nor is pleaded in the Review Petition.

7. Heard the parties and perused the Review Petition. The notice that was assailed in the original Writ Petition was dated 30th October

2023. By the impugned Order dated 10th January 2025, i.e., more than fourteen months after the notice was issued, we granted further period of four months to the Petitioners to vacate. Thus, the Petitioners had sufficient time to vacate the premises.

8. The legal position pertaining to Review Petitions is settled. A Review Petition is not and should not be an attempt for hearing the matter again on merits. The practice to file such Review Petitions as a routine and that too with change of counsels is deprecated. We entertained the Petitioners despite the substantive defect in the Petition considering the request of the counsel and his statement made at bar that, the earlier counsel had given his no objection and that, he would place the same on record.

9. A Review Petition is only maintainable if there is discovery of new and important matter or evidence which, after the exercise of due diligence, was not within the knowledge of the Petitioners or could not be produced by them. Similarly, a Review Petition can be entertained if there is any mistake or error on the face of record of the matter or for any other sufficient reason. From the grounds taken by these Petitioners and arguments advanced across the bar, we do not find any error apparent on the face of the record nor any new material that has emerged after the Order was passed. There is no other sufficient or reasonable ground made out for a review of the impugned Order.

10. In view of the aforesaid discussion, the Review Petition is dismissed.

11. In view of dismissal of Review Petition, nothing further survives in Interim Application (L) No.11830 of 2025 and is also disposed off.

(DR. NEELA GOKHALE, J.)

(A.S.GADKARI, J.)