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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
REVIEW PETITION NO. 25 OF 2025
IN
INTERIM APPLICATION (L) NO. 4611 OF 2021
IN
PUBLIC INTEREST LITIGATION NO. 93 OF 2013**

Motilal Nagar Vikas Samiti

.. Review Petitioner
(Org.Respdt.No.4)

In the matter between:

Ms. Manjula Kadir Veeran

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

Mr. Shishir Joshi a/w Ms. Priti Shukla i/by Ms. Priti Joshi for
Petitioner.

Ms. Jyoti Chavan, Addl. G.P. for Respondent-State

Mr. Darius Khambata, Senior Advocate a/w Mr. Sharan
Jagtiani, Senior Advocate, Mr. Mayur Khandeparkar, Mr. Sumit
Mankani, Ms. Vidhi Shah, Mr. P. G. Lad, Ms. Sayali Apate &
Ms. Anjali Maskar for Respondent - MHADA

**WITH
REVIEW PETITION NO. 2 OF 2025
IN
PUBLIC INTEREST LITIGATION NO. 103 OF 2013**

Mr. Techand GopalDas
Khanchandani

.. Review Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

Petitioner-in-person absent.

Ms. Jyoti Chavan, Addl. Govt. Pleader for Respondent-State.

Mr. Darius Khambata, Senior Advocate a/w Mr. Sharan
Jagtiani, Senior Advocate, Mr. Mayur Khandeparkar, Mr. Sumit
Mankani, Ms. Vidhi Shah, Mr. P. G. Lad, Ms. Sayali Apate &
Ms. Anjali Maskar for Respondent – MHADA.

**CORAM: ALOK ARADHE, CJ. &
BHARATI DANGRE, J.
(Through V.C.)**

DATE: 25th JULY, 2025

P.C.:

1. These review petitions have been filed seeking review of the order dated 6th March, 2025 passed in Interim Application (L) No. 4611 of 2021 in PIL No. 93 of 2013 and in Interim Application (L) No. 5170 of 2021 in PIL No. 103 of 2013 respectively.

2. Learned counsel for the review petitioner in Review Petition No. 25 of 2025 submitted that Government Resolution dated 13th September, 2019 and 29th August, 2023 permits self redevelopment rights to the occupants of the property. It is also submitted that Regulation 33(5) of the Development Control and Promotion Regulations for Greater Mumbai-2034 does not permit redevelopment through Construction and Development Agencies. It is also pointed out that MHADA has suppressed beneficial FSI available to all individual occupants on layouts of Motilal Nagar I, II, and III. It is, therefore, submitted that impugned order dated 6th March, 2025 be recalled/reviewed.

3. The petitioner, who appears in-person, in Review Petition No. 2 of 2025 is absent. From the perusal of the grounds raised in the Review Petition No.2 of 2025, it appears that they are similar to grounds raised in Review Petition No. 25 of 2025.

4. On the other hand, learned senior counsel for MHADA submits that in the garb of review petition, matter cannot be permitted to be re-argued. Our attention has also been invited to para 5 of the affidavit dated 3rd March, 2022 sworn in by President of the review petitioner/Motilal Nagar Vikas Samiti.

5. We have considered the rival submissions made on both sides. In the garb of review, rehearing is not permissible. It is pertinent to note that in para 5 of the affidavit, dated 3rd March, 2022, filed by the President of the review petitioner, following stand has been taken:

"5) I say that it is the demand of the Respondent No. 4/Association that the proposed redevelopment should be carried out through MHADA itself and with a view to proceed the redevelopment process smoothly without any obstacles to avoid further delay agreeing to support the same upon MHADA/State of Maharashtra giving assurance to the Residents of Motilal Nagar as follows:-

i) To agreeing/undertaking a transparent redevelopment process by involving the Residents so that the Residents will give their consent.

ii) To agreeing/undertaking to enter into individual agreement for alternate permanent accommodation with the Resident without charging any stamp duty.

iii) To agreeing/undertaking to fulfill its promise to direct rehabilitation by constructing building in open Spaces without demolishing the existing residents premises.

iv) To agreeing/undertaking that the land should not be allowed to mortgage or create any third party right, so that ownership of land shall remain with the MHADA only.

v) To agreeing/undertaking that MHADA through its appointed PMC supervise/monitor the entire project and ensure that good quality construction

more particularly the rehabilitated building till the handing over possession to the residents.

vi) To agreeing/undertaking that MHADA, master plan already discussed with the residents must be adopted for implementation. Any changes in relation to that including the design and the location of the proposed rehabilitation building must be discussed with the residents.

vii) To agreeing/undertaking to provide necessary amenities and open spaces must be maintained as per the MHADA master plan shown to the Residents earlier.

viii) To agreeing/undertaking to form joint committee of MHADA and the Residents to supervise/monitor/ensure the quality of the construction of the proposed rehabilitated buildings and amenities."

6. Thus, in the petition, the review petitioners had taken a stand that the proposed redevelopment should be carried out by the MHADA itself. Thus, in the review proceedings, the petitioner cannot turn around and be permitted to contend otherwise. The review petitioner in Review Petition No. 25 of 2025 has also filed Petition(s) for Special Leave to Appeal (C) No(s). 16796 of 2025 in the Supreme Court against the order dated 6th March, 2025, which is pending.

7. The impugned order neither suffers from any error apparent on the face of the record warranting interference of this Court in exercise of review jurisdiction.

8. In the result, review petitions fail and are hereby dismissed.

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)