

Vidya Amin

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

WRIT PETITION NO. 4822 OF 2024
WITH
CONTEMPT PETITION (L) NO. 23083 OF 2025
IN
WRIT PETITION NO. 4822 OF 2024

Gemini Developers & Anr. ... Petitioners
Vs.
The State of Maharashtra & Ors ... Respondents

WITH
INTERIM APPLICATION NO. 2482 OF 2025
WITH
INTERIM APPLICATION (L) NO. 20395 OF 2024
IN
WRIT PETITION NO. 4822 OF 2024

Swami Vivekanand SRA CHS ... Applicant
In the matter between
Gemini Developers & Anr. ... Petitioners
Vs.
The State of Maharashtra & Ors ... Respondents

WITH
WRIT PETITION (L) NO. 8790 OF 2025

Mrs. Prajakta Prakash Shinde ... Petitioner
Vs.
The State of Maharashtra & Ors ... Respondents

WITH
INTERIM APPLICATION (L) NO. 12437 OF 2025
IN
WRIT PETITION (L) NO. 8790 OF 2025

Tanaji B. Kamble & Ors. ... Applicants
In the matter between
Mrs. Prajakta Prakash Shinde ... Petitioner
Vs.
The State of Maharashtra & Ors ... Respondents

WITH
WRIT PETITION NO. 328 OF 2021

Shree Swami Vivekanand (SRA) CHS Ltd. ... Petitioner
Vs.
The State of Maharashtra & Ors ... Respondents

Mr. Sharan Jagtiani, Sr. Adv. a/w Rohil B. , Ms. Deepa Pohuja , Sarabjeet Singh i/b. J. Law Associates for Petitioners in WP/4822/2024 and CONPW(L)/23083/2025.

Mr. Nishigandh Patil AGP for State in WP/4822/2024.

Ms. Gauri Sawant, AGP for State in WPL/8790/2025.

Mr. Atul Vanarse, AGP for State in WP/328/2021.

Mr. Jagdish G. Arawad (Reddy) for Respondent Nos.2 to 5 in WP/4822/2024.

Mr. Abhijit Patil for R. No. 2 AGRC in WP/328/2021.

Mr. Chirag Mody a/w Ms. Shilpa Pawar for R. No. 6 Society.

Mr. Abhay Khandeparkar, Sr. Adv. i/b Mr. Gopal Ozalwar for R. No. 7 in WP/4822/2024.

Ms. Smriti Sajeev h/f Ms. Ravleen Sabharwal i/b. R S Justicia Law Chambers for SRA R. No. 2 To 5 in CONPW(L)/23083/2025.

Mr. Rushabh Sheth i/b Mr. Parth P. Shah for Respondent Nos.6 to 70.

CORAM: G. S. KULKARNI &
MANJUSHA A. DESHPANDE JJ.
DATED: 4 SEPTEMBER, 2025

P.C.

1. We have heard learned counsel for the parties on these three proceedings filed under Article 226 of the Constitution of India. They can be disposed of by this common order. For convenience, the prayer made in Writ Petition No. 4822 of 2024 is required to be noted, which reads thus:

‘a) This Hon’ble Court may be pleased to issue a writ of certiorari or any other writ, order or direction in the nature of certiorari calling for the records and proceedings before respondent nos. 2 to 5 regarding the legality or propriety of the impugned Letter-1 dated 27.03.2024 (Exhibit A hereto) and Impugned Letter-2 dated 19.04.2024 (Exhibit B hereto) read with the communication dated 18 April 2024 (Exhibit KK hereto) and after calling for it, be pleased to quash and set aside the same.

a-i) This Hon’ble Court be pleased to issue a writ of certiorari of any other appropriate writ calling for the records and proceedings before respondent nos. 2 to 5 regarding legality and propriety of the impugned Letter-3 dated

08.04.2024 (Exhibit B-1) and be pleased to quash and set it aside.

b) This Hon'ble Court may be pleased to issue a writ of mandamus or any other writ, order or direction in the nature of mandamus directing respondent nos. 2 to 5 to forthwith implement and execute the Orders dated 20.03.2024 (Exhibit 'FF and GG' hereto) and grant necessary permissions to the petitioner to expedite the slum project located at C.T.S. No. 88, 89 & 90 of Village Kolkalyan, Santacruz (East), Mumbai -55."

2. At the outset, we may observe that as the petitioner could not comply such request of a registered conveyance being submitted in respect of SRA scheme, the impugned order dated 19 April, 2024 came to be passed. The Executive Engineer, H/E Ward, Slum Rehabilitation Authority has issued the following impugned communication to the petitioner, who was appointed as developer in respect of slum scheme in question in relation to CTS No. 88, 89 and 90 at (Village Kolkalyan, Andheri) Vivekanand Nagar, Vakola Bridge, Dhobighat, Santacruz (East), Mumbai:

SLUM REHABILITATION AUTHORITY

No.: SRA/Eng/Desk/OW-20613/HE

Date: 19 APR 2024

To,

Developer:

M/s. Gemini Developers
Malhotra Chambers, 7th Floor,
CTS no. 275/1/A, behind Govandi Railway Station Road,
VSV LTD, Deonar,
Chembur, Mumbai-400 088.

Architect:

Shri Manishkumar Bhagsaria
Room no. 2311, bldg. no. 48,
Gulmohar society LTD, Opp. MIG Club,
Bandra (E), Mumbai-400 051.

Society

Chairman/Secretary
Shree Swami Vivekanand CHS
CTS No. 88,89,90 of village-Kolkalyan
Dhobighat, Vivekanand Nagar,
Vakola Bridge, Santacruz (East), Mumbai-400 055.

Sub: S. R. Scheme on plot bearing CTS No. 88, 89 and 90 at (Village Kolkalyan, Andheri) Vivekanand Nagar, Vakola Bridge, Dhobighat Santacruz (East), Mumbai 400 055 for Swami Vivekanand S CHS.

Ref: 1. LOI issued u/no. SRA/ENG/895/HE/PL/LOI dtd. 29/09/2020.
2. This office letter to Arch & Developer dtd. 27/03/2024.
3. Your letter dtd. 12/04/2024.

Gentlemen,

This office vide above referred letter at sr.no. 2, has directed you to submit Registered Conveyance of Land for subject S. R. Scheme within stipulated period. However, you have not submitted the same within stipulated time.

Hence, in view of above, this is to inform you that, as per the approval received from Hon'ble CEO(SRA), your proposal is hereby recorded.

Yours faithfully,

Executive Engineer-H/E Ward
Slum Rehabilitation Authority"

3. Having heard learned counsel for the parties, it appears that the parties have several contentions. However, in our view, all the contentions, in fact, would be required to be taken into consideration by the Designated Officer of the SRA. In our opinion, in the present case, the Chief Executive Officer needs to take a fresh decision after hearing the parties and in respect of their respective contentions on the slum scheme in question.

4. We are, thus, of the opinion that it would be appropriate that the impugned communication be not acted upon inasmuch as a fresh decision needs to be taken by the Chief Executive Officer in accordance with law. We are, accordingly, inclined to pass the following order which, in our opinion, would serve the ends of justice:

ORDER

- (i) The proceedings insofar as it pertains to the communication dated 27 March 2024 leading to the impugned order dated 19 April 2024, are restored to the file of Chief Executive Officer-SRA, who shall hear the petitioner, society as also the owners of the land and pass a reasoned order after hearing all the parties.
 - (ii) Let this exercise be completed within a period of eight weeks from the date the copy of this order is made available.
 - (iii) The parties are directed to initially approach the office of Chief Executive Officer on **16 September 2025 at 3 p.m.** Thereafter, an appropriate date can be fixed by the Chief Executive Officer to hear all the parties so that further appropriate orders can be passed.
 - (iv) Needless to observe that as a fresh order now shall be passed, the communication dated 19 April 2024 shall not be acted upon.
 - (v) All contentions of the parties including the contentions on jurisdiction are expressly kept open.
 - (vi) The parties are permitted to file their respective written submissions within a period of two weeks from today.
5. The petitions stand disposed of in the aforesaid terms. No costs.
6. Interim Applications would also not survive and the same are accordingly disposed of.

(MANJUSHA A. DESHPANDE , J.)

(G. S. KULKARNI , J.)