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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

PALLAVI MAHENDRA WARGAONKAR
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Date: 2026.10.15 12:07:07 +0530

PUBLIC INTEREST LITIGATION NO. 9 OF 2025

Abid Ali Shaikh ...Petitioner

Versus

The State Of Maharashtra And Ors. ...Respondents

...

Mr. Vijendra Kumar Rai a/w Ms. Iram Sayed for the Petitioner.
Dr. Uday Prakash Warunjikar a/w Mr. Jenish D. Jain and Ms. Aishwarya R. Tuwar for the Respondent No.13 - MHADA.
Ms. Preet Chheda a/w Mr. Ninad Thikekar i/b. SHS Chambers for Respondent No.8.
Ms. Ravleen Sabharwal a/w Ms. Dharani Divekar and Ms. Kinjal Thalkar for Respondent Nos.5 and 6 (SRA).
Smt. M.M. Deshmukh, Addl. P.P. for Respondent – State.
Mr. Pravin Kharade, Police Inspector, E.O.W., Mumbai.

...

CORAM : MAHESH CHANDRA TRIPATHI, CJ. &
ADVAIT M. SETHNA, J.

DATE : 14th OCTOBER, 2026.

P.C.:

1. We have heard the learned counsel for the parties.

2. The instant Writ Petition is preferred, *inter alia*, for the following substantive reliefs :-

> *"a) Issue a Writ of Certiorari or any other appropriate writ, order or direction calling for the records pertaining to the impugned order dated 29th May, 2025 passed by the High-Power*

Committee, and after examining the legality and propriety thereof, be pleased to quash and set aside the said order;

b) That this Hon'ble Court by exercising power under Section 528 of BNSS may be pleased to direct the State government, Respondent No. 3 and /or 4 to investigate the matter under the supervision of this court, and for registration of FIR in light of above referred averments, documents and Judgements, and this Hon'ble Court be further pleased to direct the Respondent No. 3 and/or 4 to verify the Final Report' prior to submitting before Ld. Metropolitan Magistrate, Bandra/ Bombay Session Court as per law in a reasonable time period before Ld. Metropolitan Magistrate, Bandra;

c) Issue a writ of Certiorari or Issue a writ of Mandamus directing the State Government and concerned authorities to conduct a fresh, fair and lawful hearing before a properly constituted High Powered Committee in compliance with the order dated 9th April, 2025 passed by this Hon'ble Court in Criminal Writ Petition No. 1851 of 2025;

d) Issue a writ of mandamus or any appropriate writ directing the State of Maharashtra and SRA to initiate criminal prosecution against Roshni Developers and officials of SRA involved in the fraudulent appointment and execution of the redevelopment scheme.

e) Direct the Mumbai Police EOW / CBI / ACB to conduct a time-bound investigation into the fraudulent appointment, forged records, and parallel development on MHADA land, additionally this Hon'ble court be pleased to Direct SRA and MHADA to conduct a joint ownership and jurisdiction audit of CTS No. 791 (Part) and place a status report before this Hon'ble Court.

f) Declare the appointment of Roshni Developers as null and void ab initio and restrain them from any further activity on CTS No. 791 (Part), Bandra (West);

g) Direct an appropriate and independent investigation into the conduct of the HPC proceedings and the concerned officials, responsible for abuse of process and dereliction of duty; or issue any other appropriate writ, order or direction to quash and set aside the impugned order dated 29th May, 2025 passed by the High-Power Committee for being illegal, arbitrary, and violative of the principles of natural justice;

h) That this Hon'ble Court by exercising power under Section 528 of BNSS may be pleased to direct Respondent 3 or 4 for investigating the matter in the light of exhibits attached herein with this Petition and file a report within a period of 4 weeks;"

3. At the outset, Dr. Uday Warunjikar, learned counsel for the Respondent No. 13 – MHADA raised a preliminary objection *qua* the maintainability of the instant Petition in the form of Public Interest Litigation (**"PIL"** for short). His objection is on two-fold counts. Firstly, he would submit that this Petitioner himself is the complainant in the proceedings before the High Power Committee which culminated in the order dated 29th May 2025. Accordingly, such complainant cannot file the said PIL, to espouse his own cause/grievance. He has referred to the order dated 9th April 2025 passed by a co-ordinate bench of this Court in Criminal Writ Petition No.1851 of 2015. This Court, had by the said order directed the High Power Committee to decide the Petitioners complaint dated 15th March 2021 and the letter dated 19th March 2025, expeditiously, in a time-bound manner. Secondly, he would place reliance on Rule 5(c) of the Bombay High Court Public Interest Litigation Rules, 2010 which refers to the nature of injury caused or likely to be caused to the general public. The

PIL Petitioner has not able to demonstrate the compliance of this requirement. On such grounds, the PIL be dismissed as not maintainable.

4. Considering the factual situation as emerged before us, we find that pursuant to the order of this Court dated 9th April 2025 (supra), the High Power Committee rejected the Petitioner's Complaint dated 15th March 2021 vide order dated 29th May 2025. Pertinent it is to note that the Petitioner himself was the complainant in the said proceedings who is now before this Court, by way of this PIL. Under such facts and circumstances, we find that the objection so raised by Dr. Warunjikar is valid and sustainable.

5. It appears that the Petitioner has filed the present PIL on the pretext of espousing the cause of the public at large. He is in fact aggrieved by the order passed by the High Power Committee dated 29th May 2025 pursuant to the order of this Court dated 9th April 2025 in Cr. Writ Petition No.1851 of 2025 (supra). Therefore, his PIL in the present form cannot be entertained.

6. Once, we expressed our disinclination to entertain the

instant Writ Petition as PIL, the learned counsel for the Petitioner voluntarily accepts that the instant PIL be disposed of as not pressed and leave may be accorded to institute a fresh proceeding in accordance with law.

7. With the aforesaid leave, the instant Writ Petition is Dismissed as not pressed.

[ADVAIT M. SETHNA, J.] **[CHIEF JUSTICE]**