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

WRIT PETITION NO.1108 OF 2025

Poonam and Patel Construction
Limited & Anr.

.. Petitioners

Versus

State of Maharashtra & Ors.

.. Respondents

Mr.Subhash Jha a/w Shakeeb Shaikh, Aftab Diamondwala, Trusti Talekar, Summet Upadhyay, Chetan Gogawale, Hetal Jain i/b Diamondwala and Co., Advocates for the Petitioners in WP/1108/2025 & WP/3624/2025.

Ms.Vaishali Chaudhari, Addl.G.P., for Respondent Nos.1 to 4 in WP/1108/2025.

Mr.Suraj Gupte, AGP for Respondent Nos.1 to 4 in WP/3624/2025.

Mr.Prakhar Tandon a/w Aarushi Yadav, Aatish Tayade i/b Ravleen Sabharwal, Advocates for Respondent No.5/SRA in WP/3624/2025 and for the Applicant in IA(L)/7912/2025 in WP/1108/2025.

Mr.Preet Chheda i/b Sayali Sawant, Advocates for Respondent No.7 in WP/3624/2025 and for the Applicant in IA(L)/7912/2025 in WP/1108/2025.

Mr.Manan Bhindora a/w Ninad Thikekar i/b SHS Chambers, Advocate for Respondent No.8 in WP/3624/2025.

Ms.Ajnali Ghuge, Advocate for Respondent No.6/MCGM.

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**CORAM :B. P. COLABAWALLA &
M.M. SATHAYE, JJ.
DATE : JANUARY 30, 2026**

P. C.

1. The above matter has been placed before this Bench because of an order passed by another Division Bench consisting of G.S.Kulkarni & Aarti Sathe, JJ. dated 16th December 2025

2. Before the Bench headed by Justice G.S. Kulkarni, a Writ Petition was filed by one *Poonam and Patel Construction Limited and Another* assailing a communication dated 28th January 2025 addressed by Respondent No.3 therein (the Collector) to Respondent No.5 (the Slum Rehabilitation Authority). On 16th December 2025 when the matter had come up before the said Bench, a preliminary objection was taken by the Respondents that the Petitioner had earlier approached this Court in Writ Petition No.1108 of 2025 (the present Writ Petition) which came to be adjudicated by judgment and order dated 3rd April 2025 passed by the Bench consisting A. S. Chandurkar (as his Lordship then was) & M.M. Sathaye, JJ. In this Writ Petition [WP No.1108 of 2025] also a communication dated 28th January 2025 was assailed. According to the Petitioner, namely, Poonam and Patel Construction

Limited, the communication assailed in the present Writ Petition [WP No.1108 of 2025] and one assailed in Writ Petition No.3624 of 2025 were not one and the same and were different communications. It is in this light that the Division Bench of G.S. Kulkarni & Aarti Sathe, JJ. deemed it appropriate to direct the Petitioner to obtain a clarification of the order dated 3rd April 2025. This is how the matter has come up before us today.

4. When we perused the record, we find that the communication dated 28th January 2025 assailed in Writ Petition No.1108 of 2025 (the present Writ Petition) was a communication issued by Respondent No.4 (Superintendent, City Survey and Land Records). As far as communication dated 28th January 2025 assailed in Writ Petition No.3624 of 2025 is concerned (Exhibit QQ therein), it is a communication addressed by the Collector (Respondent No.3) to the Slum Rehabilitation Authority (Respondent No.5). In fact, the serial numbers of the two communications are also distinct and different. It is therefore clear that the communication dated 28th January 2025 assailed in Writ Petition No.3624 of 2025 is a different communication from the one assailed in Writ Petition No.1108 of 2025.

5. The learned counsel appearing for Shri Sai Markandeshwar Nagar Co-operative Housing Society (Prop.), Worli, Mumbai (Respondent No.7 in WP No.3624 of 2025) submitted that even the communication assailed in Writ Petition No.3624 of 2025 is nothing but an internal communication and therefore the subsequent Writ Petition cannot be entertained for the reasons that are set out in the order passed on 3rd April 2025 in Writ Petition No.1108 of 2025. He further submitted that the communication assailed in Writ Petition No.3624 of 2025 was in fact brought on record by the Petitioner by filing an affidavit-in-rejoinder in Writ Petition No.1108 of 2025. Once this is the case, on the principles of constructive *res judicata*, the Petitioner cannot assail the communication dated 28th January 2025 addressed by the Collector (Respondent No.3) to the Slum Rehabilitation Authority (Respondent No.5) in Writ Petition No.3624 of 2025.

6. We are afraid we are unable to accept the aforesaid contention. As can be seen from the order dated 3rd April 2025 to which one of us (M.M. Sathaye,J.) was a party, there was absolutely no consideration of the communication dated 28th January 2025 addressed by the Collector to the Slum Rehabilitation Authority. What was only considered were certain communications including a communication

dated 28th January 2025 issued by the Superintendent, City Survey and Land Records. It is therefore futile to suggest that the Petitioner cannot now assail the communication dated 28th January 2025 addressed by the Collector to the Slum Rehabilitation Authority.

7. As far as the argument of the learned counsel that even the communication dated 28th January 2025 assailed in Writ Petition No.3624 of 2025 is an internal communication, we do not give any opinion on that aspect of the matter. It is free for Respondent No.7 to canvass this argument when Writ Petition No.3624 of 2025 is taken up. If this argument is canvassed, it is for the Court hearing Writ Petition No.3624 of 2025 to decide whether the communication assailed therein is an internal communication and what would be the effect thereof.

8. With the above clarification, the above Praecipe is accordingly disposed of.

9. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[M.M. SATHAYE, J.]

[B. P. COLABAWALLA, J.]

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