

This Order is Speaking to Minutes order of order dated //



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

WRIT PETITION NO. 2443 OF 2025

Anil Bhimsingh Kanojia	...	Petitioner
versus		
The State of Maharashtra, through GP	...	Respondent

Mr. R.D. Soni and Ms. Uma Sharma i/b. Dharam & Co. for the petitioner.
 Ms. Ravleen Sabharwal a/w. Ms. Aarushi Yadav for SRA.
 Ms. Pushpa Yadav for BMC.
 Ms. Lavina Kriplani, AGP for the State.
 Mr. Mayur Khandeparkar a/w. Shakeeb Shaikh, Nooraiin Patel, Pradeep Jain,
 Vinay Dali, Vandana Kumar i/b. Diamondwala & Co. for respondent no. 5.

**CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.**

DATE: 21 January, 2026

P.C.

1. By our order dated 16 October, 2025, the petition was disposed of in terms of the Minutes of Order, however, as some observations which were made by this Court in the order dated 15 October, 2025 and more particularly paragraph 3 thereof, had made us to relist the present proceedings. At the outset, the order dated 15 October, 2025 is required to be noted, which reads thus:

1. On the backdrop of earlier several orders we have heard learned counsel Mr. Soni, for the Petitioners.

2. This present Petition was repeatedly heard before this Court as also time to time adjourned so that an amicable resolution of disputes is brought about. In fact consent terms were also exchanged between the parties. However on such repeated indulgences we are informed that it is not possible for the Petitioners to agree to any settlement, in our opinion what would be the reasonable resolution of disputes pending the redevelopment which is being undertaken by Respondent No.5.

3. We accordingly heard learned counsel. We may at the onset observe that the Petitioners are described to be "Rassi holders" who are using the land in

question undertaking activities of drying clothes on ropes fixed in the land subject matter of redevelopment on the land described as Dhobi Ghat. Thus any right in respect of such use of the land is only for the purpose of inserting the ropes and it is not in position that the Petitioners are enjoying any occupation of any residential or commercial structure. The Petitioner hence cannot cause any hurdles in the implementation of redevelopment which is now being permitted and being undertaken by Respondent No.5. In this view of the matter, we cannot recognize any rights of the Petitioners to obstruct and cause hurdle in not removing their ropes more particularly when alternate site has been offered to them by Respondent No.5. Thus the Municipal Corporation or any other authority is free to take any appropriate action qua any obstruction in the smooth redevelopment of the scheme. In any event considering the nature of the scheme, such meager number of persons cannot stall the redevelopment.

4. In the above circumstances, keeping it open for the Petitioners to enter into any amicable settlement we are not inclined to interfere in the present proceedings. The petition is accordingly dismissed. No costs.

5. Later on at this stage, Mr. Soni, learned counsel for the Petitioners submits that the Petitioners are now agreeable to enter into Consent Terms of that be to let the appropriate Consent Terms in that regard be placed before the Court tomorrow.

6. Stand over to 16th October 2025.

2. After hearing learned counsel for the parties, we are of the opinion that paragraph 3A be incorporated after paragraph 3:

“3A. Although we have made the aforesaid observations in paragraph 3, which are purely in the context of the petitioners not taking a position to obstruct the redevelopment of the slums, which is now being resorted with the due approval of the Slum Rehabilitation Authority by respondent no. 5, our observations are purely in the context of eviction of the petitioners and are not a reflection on adjudication of any rights of the Rassi Holders as conferred under the Maharashtra Slum Area (Improvement, Clearance and Redevelopment) Act, 1971 where it defines “community economic activity area” under section 2(b-2), which reads thus:

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“2(b-2) "community economic activity area" shall means the land within or adjoining to any slum area or any Slum Rehabilitation Area used by the occupant of slum dwellers for traditional occupation (which may include wooden boxes, stalls, washing stones, temporary platform, poles, *rassis* (ropes), nets, drying area) using traditional community skills for livelihood occupation which shall be recognised through license, permits or sanad, *etc.*, issued by the State Government or any of its public authority or agency;”

3. We find that the definition of "building" in Clause (b) of Section 2 as also "Slum Rehabilitation Area" as defined in Clause (h-b) incorporates a reference to the “community economic activity area”. The substantive provision, i.e., Section 3C(1) also incorporates “community economic activity area” to be included within the reservation of the Slum Rehabilitation Area as may be read under Section 3C. In this view of the matter, we clarify that we have not examined the legal rights of the petitioner *inter alia* of the aforesaid provisions.

4. The order dated 15 October, 2025 is accordingly modified and be made available to the parties.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)