

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 474 OF 2026

Gurunanak Romell LLP Petitioner.
V/s
Additional Collector (ENC/REM)
and Appellate Authority, Western
Suburban, Mumbai and Others Respondents.

AND

WRIT PETITION NO. 483 OF 2026

Gurunanak Romell LLP Petitioner.
V/s
Additional Collector (ENC/REM)
and Appellate Authority, Western
Suburban, Mumbai and Others Respondents.

AND

WRIT PETITION NO. 484 OF 2026

Gurunanak Romell LLP Petitioner.
V/s
Additional Collector (ENC/REM)
and Appellate Authority, Western
Suburban, Mumbai and Others Respondents.

AND

WRIT PETITION NO. 490 OF 2026

Gurunanak Romell LLP Petitioner.
V/s
Additional Collector (ENC/REM)
and Appellate Authority, Western
Suburban, Mumbai and Others Respondents.

AND

WRIT PETITION NO. 516 OF 2026

Gurunanak Romell LLP Petitioner.
V/s

Additional Collector (ENC/REM)
and Appellate Authority, Western
Suburban, Mumbai and Others

....Respondents.

Mr. Akash Rebello a/w Mr. Saurabh Chitnis, Mr. Nadeem Sharma, Mr. Paras Gosar i/b Mr. Milind Nar, Advocates for the Petitioner in all the above Writ Petitions.

Ms. Yashasree Raut i/b Mrs. Manisha Jagtap, Advocates for MHADA.

Mr. Rakesh Pathak, AGP for Respondent no.1-State in Writ Petition No.474 of 2026.

Ms. Sheetal Malvankar, AGP for Respondent no.1-State in Writ Petition No.483 of 2026.

Ms. Vrushali Kabre, AGP for Respondent no.1-State in Writ Petition No.484 of 2026.

Ms. Varsha Sawant, AGP for Respondent no.1-State in Writ Petition no.490 of 2026.

Ms. Nazia Sheikh, AGP for Respondent no.1-State in Writ Petition no.516 of 2026.

CORAM : GAUTAM A. ANKHAD, J.

DATE : 12TH JUNE, 2026.

P.C. :

1. The Petitioner is a developer implementing a Slum Rehabilitation Scheme. The challenge in these petitions is to the order dated 29th December 2023 passed by Respondent no.1 – Additional Collector (ENC/REM) and Appellate Authority, whereby the names of Respondent no.4 in the respective petitions have been directed to be included in

Annexure-II of Mateshwari Rahivasi Seva Sangh Sahakari Grihnirman Sanstha. Pursuant to the impugned order, Respondent no.4 in Writ Petition no.474 of 2026 has been declared eligible at serial no. 349, Respondent no.4 in Writ Petition no. 483 of 2026 at serial no. 354, Respondent no.4 in Writ Petition no. 484 of 2026 at serial no. 352, Respondent no.4 in Writ Petition no.490 of 2026 at Serial no. 353 and Respondent no.4 in Writ Petition no. 516 of 2026 at serial no. 347 of Annexure-II.

2. Mr. Akash Rebello, learned counsel appearing for the Petitioner, submits that the impugned order is ex facie without jurisdiction and has been passed in breach of the principles of natural justice. According to him, no notice of hearing was served upon the Petitioner and no opportunity of being heard was granted before the impugned order came to be passed. He further submits that Respondent no.4 had approached Respondent no.1 in the absence of any adjudication or order passed by the Competent Authority under Section 35 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971. It is therefore contended that there was neither any cause of action nor any jurisdiction for the Appellate Authority to entertain the proceedings and pass the impugned order. In support of the above submissions, Mr. Rebello relies upon the order dated 6th October 2025 passed by this Court

in *Gurunanak Romell LLP v. Additional Collector (ENC/REM) and Appellate Authority, Western Suburban & Ors.* (Writ Petition no.3178 of 2025), arising out of the very same Slum Rehabilitation Scheme. He submits that in materially identical circumstances this Court found a strong *prima facie* case in favour of the Petitioner and granted appropriate protection. According to him, the present petitions stand on the same footing.

3. On the other hand, the learned AGPs appearing for the State oppose the petitions and submit that the Petitioner has an effective and efficacious statutory remedy of approaching the Grievance Redressal Committee under Section 35(1)(a) of the Act. According to them, all contentions raised in the present petitions can appropriately be examined by the said forum.

4. I have considered the rival submissions and perused the material placed on record. It is not in dispute that an order dated 6th October 2025 has been passed by this Court in relation to the same Slum Rehabilitation Scheme. *Prima facie*, the record indicates that the proceedings before the Competent Authority were still pending and no final determination had been made by the said authority. Despite this, Respondent no.4 appears to have approached Respondent no.1 in the appellate jurisdiction, who proceeded to pass the impugned order directing inclusion of the

concerned persons in Annexure-II. A perusal of the impugned order, particularly paragraph 2 at page 46 of the paper-book in Writ Petition no. 474 of 2026 does not clearly indicate whether notice of hearing was served upon the Petitioner or whether the Petitioner was afforded an opportunity of being heard before the order came to be passed. Therefore, there is merit in the submission regarding violation of the principles of natural justice. Further, if no adjudication had been rendered by the Competent Authority, the very basis for invoking the appellate jurisdiction of Respondent no.1 would not arise. At the same time, the Petitioner has an alternate statutory remedy before the Grievance Redressal Committee, which is competent to examine all questions relating to the legality, validity and correctness of the impugned order as well as the consequential inclusion of names in Annexure-II. In the facts of the present case, it would be appropriate to permit the Petitioner to avail of the said remedy while ensuring that its rights are adequately protected in the interregnum.

5. Accordingly, all the writ petitions are disposed of with liberty to the Petitioner to approach the Grievance Redressal Committee and challenge the impugned order dated 29th December 2023 as well as the consequential Annexure-II dated 12th January 2024. Such proceedings shall be instituted within a period of four weeks from today. It is directed

that until the proceedings before the Grievance Redressal Committee are decided and for a period of thirty days from the date of written communication of such decision to the Petitioner, no precipitative or coercive action shall be taken against the Petitioner on the basis of the impugned order dated 29th December 2023. The impugned order shall not be implemented against the Petitioner during the aforesaid period.

6. All rights and contentions of the parties are expressly kept open. The Grievance Redressal Committee shall decide the proceedings independently, on their own merits and in accordance with law. All the writ petitions are disposed of in the above terms. No order as to costs.

BHARAT
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[GAUTAM A. ANKHAD, J.]