

Ajay

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 5585 OF 2022**

Sanjay Laxman Mohite and Ors. .. Petitioners  
**Versus**  
The Apex Grievance Redressal Committee and  
Ors. .. Respondents

**WITH  
WRIT PETITION NO. 12827 OF 2019**

Gayatri Ashok Patil and Ors. .. Petitioners  
**Versus**  
The Apex Grievance Redressal Committee and  
Ors. .. Respondents

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- Mr. Karl Tamboly a/w. Ms. Nevty Thakkar and Somil Gada and Rajesh Shah, Advocates for Petitioner Nos.40, 124, 128, 135, 136, 265, 542, 557, 558, 603 and 611.
- Mr. Jagdish G. Aradwad (Reddy) for Respondent No.1 – AGRC in both Writ Petitions.
- Mr. Anoop Patil, Advocate for Respondent No.2 – SRA in WP No.5585 of 2022 and Respondent No.3 – SRA in WP No.12827 of 2019.
- Mr. Chetan Kapadia, Senior Advocate a/w. Ms. Vidisha Rohera, Mr. Yohaana Shah, Hasan Mushabeer, Advocates i/by Negandhi Shah & Himayatullah for Respondent No.4 in WP No.5585 of 2022 and Respondent No.11 in WP No.12827 of 2019.
- Ms. Snehal S. Jadhav, AGP for Respondent – State in both Writ Petitions.
- Mr. Girish Utangale a/w. Ms. Mansi Pawar, Advocates i/by M/s. Utangale & Co. for MHADA.
- Mr. Vikramjit Garewal a/w. Ms. Sabeena Mahadik, Advocates for Respondent No.5.

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**CORAM : MILIND N. JADHAV, J.**

**DATE : OCTOBER 13, 2025.**

**P.C.:**

- 1.** Heard learned Advocates appearing for the respective parties.
- 2.** Advocate for Petitioners in Writ Petition No.5585 of 2022 informs the Court that there are 631 Petitioners arrayed as Petitioners therein. Writ Petition No.5585 of 2022 is verified by one Petitioner at Sr. No.40 only. Thumb impressions are put for 631 Petitioners appended at page No.85 of the said Petition as pointed out by Mr. Kapadia, learned Senior Advocate appearing for the Developer. Petitioners claim to be part 15 Societies being redeveloped in the SRA scheme wherein LOI has been issued to the Developer on 14.08.2025. Development is set to begin after a long hiatus.
- 3.** Grievance of the Petitioners' Advocate is that Petitioners are left in the lurch for the past more than two decades and despite earlier LOI been issued development has not progressed. However the same analogy cannot be applied to the current Developer. Ultimately time will only tell whether the present LOI will also meet the same fate or otherwise. Today the Developer is willing to proceed with development. Be that as it may, in so far as the present Petition is concerned, I have a serious doubt about its maintainability and verification in the first instance. Such Petition cannot be given a final number because there is only one Petitioner who has filed the Petition

on behalf of 631 Petitioners without adequate authority. How the verification has been done and approved by the Department is something which is not known to this Court. I say this only because there is one interjection by Mr. Tamboly's clients who are some of the beneficiaries out of the same list of 631 persons who claim that they have not supported the Petitioner to file Writ Petition No.5585 of 2022.

**4.** Similarly, there are several other Petitioners from the list of 631 persons who have revoked their consent and/or are now supporting the Developer in the development concerned. Therefore filing and verification of the Petition itself is in doubt.

**5.** Second Petition namely Writ Petition No.12827 of 2019 which is the companion Petition is of the year 2019. It is filed by three Petitioners, out of whom one has expired in the interregnum and one has already revoked his consent and is now supporting the Developer for development. Only one Petitioner I.e. Petitioner No.2 – Tukaram is continuing with that Petition. Considering that Tukaram as also the other two Petitioners in the first Petition are all eligible persons, there can be no reason as to why the said Petition is filed unless there are serious *malafides* involved which I do not foresee at the present considering the above time line.

**6.** Second Petition pertains to the year 2019 and the cause of action which then existed cannot be said to exist today. Therefore in view of the fresh LOI being issued, Petitioner shall take appropriate instructions about the maintainability and continuity of Writ Petition No.12827 of 2019.

**7.** Mr. Kapadia, learned Senior Advocate for Developer is directed to place on record on Affidavit the list of all eligible persons out of the list of 631 Petitioners to enable the Court to take an appropriate decision about determination of the said Petition. Let the Affidavit be filed on or before the next adjourned date.

**8.** However Petitioners in Writ Petition No.5585 of 2022 are directed to satisfy the Court on the maintainability of Petition and most importantly the authority of the Petitioner to file the Petition on behalf of all 631 Petitioners. Such appropriate Affidavit shall be filed before the Court on the next adjourned date by Petitioner No.40, failing which this Court shall dismiss the present Petition which shall be noted by the Advocates for Petitioner.

**9.** It is clarified that both Petitions were filed in the year 2019. However Petition namely Writ Petition No.5585 of 2022 was given final number in the year 2022.

**10.** The Developer and SRA, both are directed by the Court to apprise the Court about the status of development of the project on the

next adjourned date.

**11.** Stand over to 12<sup>th</sup> November 2025.

[ MILIND N. JADHAV, J. ]

Ajay

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