

Sumedh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2543 OF 2023**

Rajesh Madhukar Chavan ...Petitioner
Versus
State of Maharashtra & Ors ...Respondents

WITH

WRIT PETITION (L) NO. 20339 OF 2023

Manishashirish Kale ...Petitioner
Versus
The State of Maharashtra & Ors ...Respondent

WITH

WRIT PETITION (L) NO. 21811 OF 2023

Venubai Dagdu Bhor ...Petitioner
Versus
State of Maharashtra & Ors ...Respondents

WITH

WRIT PETITION NO. 2157 OF 2021

Kapilkunj Cooperative Housing Society Ltd ...Petitioner
Versus
State of Maharashtra & Ors ...Respondents

WITH

COURT RECEIVER REPORT NO. 261 OF 2023
IN
WRIT PETITION NO. 2157 OF 2021
WITH
INTERIM APPLICATION (L) NO. 21669 OF 2023
IN
WRIT PETITION NO. 2157 OF 2021
WITH
WRIT PETITION (L) NO. 17385 OF 2023
WITH
WRIT PETITION (L) NO. 21768 OF 2023
WITH
INTERIM APPLICATION NO. 2846 OF 2023
WITH
WRIT PETITION NO. 2552 OF 2023
WITH
WRIT PETITION (L) NO. 21997 OF 2023
WITH
WRIT PETITION (L) NO. 21998 OF 2023
WITH
WRIT PETITION (L) NO. 22006 OF 2023

Dr Birendra Saraf, Advocate General, *with Jagdish Aradwad (Reddy), Ashwini Jadhav, for Respondent No. 2 – SRA in all*

connected Petitions.

Mr Shailesh Shah, Senior Advocate, with Banarji, Abbas Zaidy, Aditya Kavale, i/b Zohair & Co, for the Petitioner in WPL/21768/2023.

Mr Mayur Khandeparkar, with Shanay Shah, Tulsi Shah, i/b RD Mishra, for the Petitioner in WP/2543/2023, WPL/20339/2023, WPL/21811/2023.

Mr RD Soni, with Tushar R Momaiyah, for the Petitioner in WPL/21997/2023, WPL/22006/2023.

Mr Ranjeev Carlharo, with Uttam Rane, for the Petitioner in WP/2552/2023.

Ms Divya Parab, for the Petitioner in WP/17385/2023.

Mr JS Kini, with Aum Kini, i/b Sapna Krishnappa, for the Petitioner in WP/2157/2021 & WP/1977/2021.

Ms Manjri Parasnis, i/b RD Mishra, for the Petitioner in WPL/20339/2023.

Mr Asif Singh, for the Applicant in IAL/21669/2023.

Mr Amar Bodke, i/b MV Thorat, for Respondent Nos. 6 to 9 in WPL/3329/2022.

Mr Bipin Joshi, with Sakshi Agrawal, for Respondent No. 3(Developer) in all Writ Petitions.

Mr SK Dhekale, Court Receiver – Present.

Mr LT Satelkar, AGP, for the Respondent – State in WP/2157/2021, WPL/22006/2023.

Mr Amit Shastri, AGP, for the Respondent – State in WPL/17385/2023. (Online)

Mr SB Gore, AGP, for the Respondent – State in WPL/21768/2023.

Ms Sukanta Karmakar, AGP, for the Respondent – State in WP/2552/2023, WPL/21998/2023.

Mr MA Sayed, AGP, for the Respondent – State in WPL/21997/2023.

Ms Uma Palsuledesai, AGP, for the Respondent – State in WP/2543/2023.

Mr Amit Shastri, AGP, for the Respondent – State in WPL/20339/2023.

Mr Milind More, AGP, for the Respondent – State in WPL/21811/2023.

**CORAM G.S. Patel &
Kamal Khata, JJ.
DATED: 8th November 2023**

PC:-

1. On 5th July 2023 we passed a reasonably detailed order outlining the issues involved. We thought that this might in some way assist in solving the problem. Six months later we find that not only are yet where we were then, but the problem if anything has magnified.
2. We had then two and possibly three projects shown to us. Now there are six or more. There is the Kapil Kunj CHSL and the Suhana CHSL development at Ghatkopar West. There is another project at Ghatkopar West called the Samaj Kalyan CHSL. In Ghatkopar East are two other projects, Dhoshi Lean and Shreenath Odhva and in Bhandup West there is Shreenath Darshan CHSL. Then we are told that in Ghatkopar East there is yet another project called Vidya Villa. Then Mr Soni appears in relation to another project at Ghatkopar East called Nagji Mansion.
3. In every single one of these, there is a problem created by the developer Niraj Ved. There are illicit sales. There are unlawful and illegal allotments. The result is a large and apparently growing body of disgruntled occupants, purchasers and allottees all of them seeking a solution to this problem. It is extremely doubtful whether any one-size-fits-all solution is even possible.

4. In these circumstances, we will need information and data in detail both project-wise and within each project category-wise. By categories, we mean those who claim to be allottees of permanent transit camp tenements, those who claim to be third party purchasers, those who claim to be in rehab tenements if any, and those who claim to be entitled to premises as original tenants under a redevelopment of tenanted premises.

5. Among these categories this Court must, we believe, in the wider interest look at questions of prioritisation and a formula for adjusting competing equities. We will need to involve the Slum Rehabilitation Authority (“SRA”) and the Municipal Corporation of Greater Mumbai (“MCGM”). There are serious allegations already made against SRA, but we do not propose to go down that road because nothing will be achieved by it. But we do recommend that Mr Reddy take instructions as to whether given the sheer number of projects involved, and the likely complexity, it would not be more advisable to have a special task force of two or three high level officers rather than a single officer for this purpose at the SRA level. The MCGM may also later need to establish some sort of a coordinating committee because these projects are spread between different wards although there is the same builder/developer involved.

6. As a first step, and in the hope and belief that some solution is as yet possible, we request counsel for all, except Mr Joshi for Niraj Ved, to work together to give us a consolidated data sheet for project and category wise.

7. Mr Joshi has instructions from Mr Ved to say that some solution is possible. We must be forgiven if we approach this statement with the greatest misgivings. Mr Ved has acquired quite a reputation not only amongst flat purchasers and allottees but in this Court for almost never honouring his commitments, including to Court. We are not shutting out Mr Ved's submission. We are just not prepared to accept them as ready-made possibilities or solutions without a more careful consideration. Our previous order shows how in the guise of solving one problem, Mr Ved only successfully managed to create three more, and so on and so forth. Mr Joshi may well keep his proposal separately ready and we will consider it to the extent necessary. If there is common ground between the two proposals we may yet have a way forward.

8. We make it clear that there may be steps that one or the other authorities are required to take and there may also have to be certain directions to Mr Ved at a future date. Only so that Mr Joshi is not handicapped we require Mr Ved's presence in Court at the next hearing.

9. In Writ Petition (L) No 20339 of 2023. Leave to amend. Amendment to be carried out by Friday 10th November 2023 without need of reverification.

10. In light of this, we note that we will need to expand the injunction that we had granted in paragraph 23 of our order of 5th July 2023. There will now be an injunction against Mr Ved until the next date from dealing with or disposing of any premises in any of

these projects that we have listed above under any circumstances. We are constrained to do this because otherwise at every single turn we have one more Petition and one more set of disgruntled persons. So far Mr Ved has been spectacularly successful in creating problems but in resolving them, not so much.

11. Leave to file additional Affidavits if required.

12. List the matter on 8th December 2023.

(Kamal Khata, J)

(G. S. Patel, J)