

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).25924-25925/2023

(Arising out of impugned final judgment and order dated 02-11-2023 in WPL Nos.27879/2023 and 22378/2023 passed by the High Court of Judicature at Bombay)

DEEPAK DINKAR HEDA00 & ORS. ETC.ETC.

Petitioner(s)

VERSUS

THE COMMISSIONER MCGM & ORS.

Respondent(s)

(IA No. 259574/2023 - INTERVENTION APPLICATION
IA No. 256999/2023 - INTERVENTION APPLICATION
IA No. 6521/2024 - INTERVENTION APPLICATION
IA No. 260282/2023 - INTERVENTION APPLICATION
IA No. 260100/2023 - INTERVENTION APPLICATION
IA No. 252978/2023 - INTERVENTION/IMPLEADMENT)

WITH SLP(C) No. 26883-26884/2023

CONMT.PET.(C) No. 11-12/2024 in SLP(C) No. 26883-26884/2023
(IA No. 7106/2024 - APPLICATION FOR EXEMPTION FROM FILING THE
RESIDENTIAL ADDRESS OF RESPONDENT/CONTEMNOR WITH AFFIDAVIT
IA No. 5432/2024 - EXEMPTION FROM FILING O.T.)

Date : 16-02-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s)

Mr. Akbar Ali, Adv.
Ms. Sadiya Shakeel, Adv.
Mr. Raj Ranjay Singh, Adv.
Mr. Satish Pandey, AOR
Mr. Manmohan Sharma, Adv.
Mr. Pankaj Sharma, Adv.
Mr. Gopal Sharan Pathak, Adv.
Mr. Santosh Kumar, Adv.
Mr. Sidharth Gautam, Adv.
Ms. Jay Jaimini Pandey, Adv.
Mr. Chandan Kumar Singh, Adv.
Mr. Rajiv Agnihotri, Adv.
Mr. Mahendra Pratap Singh, Adv.
Mr. Meghraj Singh, Adv.
Mr. Kafeel Ahmed, Adv.

Mr. Anulata Kashyap, Adv.
Mr. Harish Kumar, Adv.
Mr. Ashok Kumar Mishra, Adv.

Mr. Omkar Jayant Deshpande, Adv.
Mr. Joseph Fernandes, Adv.
Mr. Prathamesh Seth, Adv.
Ms. Supreeta Sharanagouda, AOR

For Respondent(s)

Mr. Tushar Mehta, Solicitor General
Mr. Garvesh Kabra, AOR
Mr. Siddharth Dharmadhikari, Adv.
Mr. Sandeep Patil, Adv.
Mr. Avanish Deshpande, Adv.

Mr. Mayur Khandeparkar, Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Ankur Saigal, Adv.
Ms. Anwasha Padhi, Adv.
Mr. Nivit Srivastava, Adv.
Mr. Rajesh Kumar, Adv.
Ms. Shivani Agrawal, Adv.
Mr. E. C. Agrawala, AOR

Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Ms. Preet S. Phanse, Adv.
Ms. Yamini Singh, Adv.
Mr. Adarsh Dubey, Adv.

Mr. Aniruddha Joshi, Adv.
Mr. Shashibhushan P. Adgaonkar, AOR
Mrs. Pradnya S Adgaonkar, Adv.

Mr. Chirag M. Shroff, AOR
Mr. Dhananjay Kataria, Adv.

Mr. Prashant S. Kenjale, Adv.
Mr. Amol Nirmalkumar Suryawanshi, Adv.
Ms. Srishty Pandey, Adv.
Mr. Muthuvel Palani, Adv.
Ms. Gayatri Virmani, Adv.
Mr. Ashutosh Chaturvedi, Adv.
For M/S. Juristrust Law Offices, AOR

Mr. Siddharth Gautam, Adv.
Mr. Chandan Kumar Singh, Adv.
Mr. Rajiv Agnihotri, Adv.
Mr. Pankaj Sharma, AOR

Mr. M. Vijaya Bhaskar, AOR

UPON hearing the counsel the Court made the following
O R D E R

Pursuant to the order dated 15th December, 2023 of this Court, the Assistant Municipal Commissioner of the Municipal Corporation of Greater Mumbai has filed an affidavit of compliance.

2. It is mentioned in the said affidavit that the benefit of the earlier order is available only to 73 applicants and all of them have been held to be ineligible. The learned Solicitor General appearing for the Municipal Corporation states that the orders have been communicated to all the persons who have been held to be ineligible by registered post on 14th February, 2024. If any one of them has not received a copy of the order, they are free to approach Mr. Vinayak Vispute, Assistant Municipal Commissioner, Municipal Corporation of Greater Mumbai, H/West Ward Office, 2nd Hasnabad Lane, Khar (W) Mumbai-400052 within one week from today who will supply copies of the orders to the concerned persons.

3. We grant time of one month to all those who are held to be ineligible to challenge the orders passed by the Municipal Corporation. For a period of one month from today, their structures shall not be demolished. Subject to the orders which may be passed in the proceedings adopted by these persons, after expiry of period of one month, necessary action of removal can be taken in accordance with law.

4. We direct the State Government to file an affidavit of an appropriate officer in the office of the Additional Collector (First Appellate Authority) stating therein whether in terms of paragraph 8 of the order dated 15th December, 2023, any appeals were preferred by those persons whose names are shown as ineligible in Annexure 2. If any appeals have been filed, the outcome of those appeals shall also be placed on record. The learned counsel appearing for the State pointed out that he will file such affidavit within two weeks from today.

5. In the affidavit of compliance filed by the Municipal Corporation, it is pleaded that certain structures in possession of the persons held to be eligible in terms of Annexure 2 are required to be removed for carrying out the work of nalla. We have already granted time to vacate to the eligible occupants till the end of April, 2024. If the Municipal Corporation wants them to vacate their respective premises prior to end of April, 2024, the Municipal

Corporation is free to make an application before this Court incorporating an undertaking to shift the occupants to appropriate accommodation. The undertaking to give particulars of the premises.

6. In terms of clause 5 of our order dated 15th December, 2023 some of the eligible occupants have filed undertakings, the copies of which are available with the advocate representing the developer.

7. We direct the occupants to supply copies of the undertakings to the counsel for the Slum Redevelopment Authority (SRA). We also direct the petitioners to ensure that copies of the undertakings which they have received are provided to the learned counsel appearing for the SRA. Appropriate officer of SRA will look into the undertakings and submit a report before this Court within a period of two weeks from today.

8. Those eligible occupants who have not filed the undertakings are given final chance to do so. They shall do so within a period of one week from today.

9. List on 11th March, 2024.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER