



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

REVIEW PETITION NO.18 OF 2025
IN
WRIT PETITION NO.773 OF 2023

Mumtaz H. Khoja]
adult, Indian inhabitant,]
residing at A-314, 3 floor,]
Rizvi Nagar CHSL, S.V. Road,]
Santacruz West, Mumbai 400054.] ... Petitioner.

V/s.

1. The Chief Executive Officer,]
Slum Rehabilitation Authority,]
Bandra, Mumbai 400051.]

2. M/s. Pioneer India Developers]
Pvt. Ltd.,]
having office at Shastri Nagar,]
Santacruz West, Mumbai 400054.] ... Respondents.

Mr. Aseem Naphade a/w. Adv. Saurabh Utangale, Adv. Vedant Joshi
i/by Adv. Rohan Sawant for the Petitioner.

Ms. Ravleen Sabharwal i/by R.S. Justicia Law Chambers for
Respondent No.1-SRA.

Mr. Mayur Khandeparkar a/w. Adv. Mayur Singh, Adv. Santosh
Pathak, Adv. Deepesh Kadam for Respondent No.2.

CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.

RESERVED ON : 15th September, 2025.

PRONOUNCED ON : 16th October, 2025.

Judgment (Per : Kamal Khata, J) :-

1) By this Review Petition, the Petitioner seeks review of the
Order dated 8th February, 2024 based on the liberty granted by the

Hon'ble Supreme Court by its order dated 23rd August, 2024. The Supreme Court granted liberty to the Petitioner (i) to bring to the notice of this Court her personal claim considering the reliefs sought, and (ii) to challenge the Order to be passed in the Review Petition before the Supreme Court.

2) Mr. Naphade, learned counsel for the Review Petitioner, submits that, in the Writ petition (which came to be dismissed), the Petitioner had sought (a) a direction to the Respondents to allot rehabilitation tenement under the subject slum scheme on the basis of her eligibility reflected in Annexure-II for her residential structure, and (b) arrears of rent towards temporary transit accommodation from 2009 till date. He points out that the Respondents have commenced allotment of rehab tenements to eligible slum dwellers, as the rehab buildings are ready for occupation. The grievance is that, despite repeated requests, no rehab tenement has been allotted to her. There is a genuine apprehension that allotment of all the rehab tenements is completed, the Petitioner will be permanently deprived of her entitlement.

3) Mr. Naphade submits that Respondent No.2, in its Affidavit in reply dated 5th February 2024, incorrectly stated that, the temporary alternate accommodation was provided to the Petitioner in Room No. G3, Building A/1/4. According to Mr. Naphade, this statement is demonstrably false since Room No.G3 was in fact

allotted to *Maulana Azad Social & Cultural Association Sanskar Urdu High School* (a Trust) which appears independently in Annexure II at serial No.3658 for a non-residential structure. Thus, there exists two distinct entries in the Annexure-II - one in Petitioner's individual name for a residential structure, and the other in the Trust's name for non-residential structure. The Trust, in fact, has been provided with two premises, namely, Room No.G3 and Room No.G6. Reliance is placed on the Order dated 19th April, 2021 passed by the Slum Rehabilitation Authority ("SRA") on the Trust's Application for payment of rent, which confirms this position.

4) The grievance raised by Mr. Naphade is that the Court, while passing the impugned Order, failed to verify the allegations by calling upon Respondent No.1 (the Planning Authority) to clarify the false assertion made by Respondent No.2. The request to file a rejoinder with supporting documents to demonstrate that the so-called "transit accommodation" was always earmarked for the School, and not for her, was not considered. The dismissal of her Petition on the ground of suppression of material particulars was therefore unjustified, as the Petitioner and the Trust are two separate entities, each of whom filed independent Writ Petitions.

5) Mr. Naphade further submits that Respondent No. 2's allegations were not supported by any documentary evidence. On the contrary, material on record shows that (i) the Petitioner was

declared eligible for a residential structure in the year 2009, and (ii) the two premises claimed to have been allotted were in fact provided in 2003 and indisputably for the School. Thus, the dismissal of the Petition rested on a false and misleading statement made by the Developer.

6) The Petitioner was eligible for two structures: one residential (where she resided) and one commercial (where she ran her clinic). She is therefore entitled to (a) a residential tenement in the rehab building, and (b) a commercial tenement (already allotted) from the date of handing over the vacant possession of the two structures till she was rehabilitated in the permanent alternative accommodation in the rehab building. The Petitioner had never sought reliefs concerning her commercial entitlement in the earlier Petition, as the same stood satisfied. However, Respondent No. 2 deliberately conflated her residential entitlement with that of the Trust, thereby depriving her of the residential rehab tenement.

7) The impugned Order thus overlooked the Petitioner's specific case that Room No.G3 in Building No. A/1/4 was allotted to the Trust for running a School, and not to her for residence. This is further fortified by Clause 8.1 of Regulation 33 (10) of Development Control & Promotion Regulation 2034 ('DCPR'), which obligates the Developer to provide for pre-existing social infrastructure such as Schools run by Charitable Trust, without increase in area, by way of

(i) temporary transit accommodation, and (ii) equivalent permanent alternate accommodation upon completion of the rehab buildings. In fact, Respondent No.2 was required to provide 2,200 sq.ft. of such accommodation to the Trust.

8) In these circumstances, it is submitted that the impugned Order dated 8th February 2024 be set aside and the Review Petition be allowed.

9) Mr. Khandeparkar, learned Counsel for Respondent No.2, submits that the Petitioner was admittedly allotted two rooms, namely G3 and G6, and is presently in possession of three premises. He relies upon the table at page 83 of the Review Petition (being the reply) to point out that, Room No.G6 has not been returned, despite the Trust being allotted temporary accommodation in Building D1. He submits that the Review Petition is not maintainable, as both the original Petition as well as the Review Petition suffer from suppression of material facts. He further submits that, the Petitioner has failed to demonstrate any error apparent on the face of the impugned Order, and is merely attempting to rely on additional material in support of her case. He accordingly submits that, the Review Petition be dismissed with exemplary costs.

10) The learned Advocate for the Slum Rehabilitation Authority (SRA) has tendered documents to establish that both the Petitioner and the Trust are eligible for permanent alternate accommodation

under the scheme. She supports the assertions of Respondent No.2 and submits that the Petitioner, despite being allotted temporary accommodation in Building D1, has failed to return possession of the third premises. She accordingly contends that the Review Petition is without merit and deserves dismissal.

11) We have heard the rival submissions of learned Counsel and perused the entire record, including documents tendered by the SRA, the Petitioner, and those annexed to the Review Petition. Upon consideration, we find ourselves in complete agreement with the observations of the impugned Judgement dated 8th February, 2024.

12) The Petitioner has indeed suppressed material facts. While she sought to portray herself as a senior citizen, dependent on her parents and in poor health, in order to evoke the sympathy, the documents placed on record - including those tendered across the bar by Mr. Naphade - demonstrate that she is a practicing Doctor by profession. She was in possession not merely of one but three separate structures, thereby illegally occupying an area exceeding 2,200 sq. ft. carpet area in the slum. She admittedly used one as her residence, the second as her clinic, and the third for running a School in the name of the said Trust of which she was a Chairperson. This is evident from her own pleadings at paragraphs 9(N) and (O) of the grounds in the Review Petition.

13) There was no justification whatsoever for her failure to disclose these facts in the original Petition. Instead, she deliberately chose to file two separate Petitions on the pretext of asserting the rights of two “independent entities,” while in substance she was claiming multiple entitlements.

14) As rightly noted in the Order under Review, the Petitioner’s initial entry upon the land was unauthorized. Furthermore, while she repeatedly emphasizes that Room No. G3 was allotted to the Trust, she has conveniently suppressed the allotment of Room No. G6 and the temporary accommodation in Building D1 provided pursuant to the SRA’s Order dated 4th December 2019. She has also failed to disclose that her commercial entitlement (Shop No 46) was already allotted to her as permanent alternate accommodation as early as 25th February 2006.

15) In this context, reliance placed on the judgement of the Hon’ble Supreme Court in *K.D. Sharma v/s. Steel Authority of India Limited & Ors*¹. is apposite. The Apex Court has held that a party invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution must be truthful, frank and disclose all material facts even those adverse to them. Suppression of facts, misrepresentation, or concealment cannot be countenanced in equitable jurisdiction. A litigant cannot be permitted to “play hide

1 (2008) 12 SCC 481

and seek” with the Court, choosing to disclose only those facts favourable to her. Suppression or concealment of material facts is not Advocacy. It is a jugglery, manipulation, maneuvering or misrepresentation, which has no place in equitable and prerogative jurisdiction. If the Applicant does not disclose all the material facts fairly and truly but states them in a distorted manner and misleads the Court, the Court has inherent power in order to protect itself and to prevent abuse of its process to discharge the rule nisi and refuse to proceed further with the examination of the case on merits. If the Court does not reject the Petition on that ground, the Court would be failing in its duty. In fact, such an Applicant requires to be dealt with for contempt of Court for abusing the process of the Court.

16) The pleadings in the present Petition unmistakably reveal suppression of material facts and selective disclosure intended to mislead this Court into granting reliefs to which the Petitioner is not entitled. Such conduct amounts to abuse of process and, if unchecked, would undermine the Court’s duty to dispense justice.

17) Having considered the Review Petition, we note that the Petitioner has sought to introduce an entirely fresh set of facts and documents which in law this Court is not entitled to examine at the stage of Review. No error apparent on the face of the judgement under review is pointed out.

18) The Petitioner has patently made false statement, including the assertion that she is residing at the mercy of her parents. On the contrary, she claims to be a Doctor by profession and has encroached upon land in a prime locality. She has not only obtained residential accommodation and commercial accommodation but also premises for a School. In substance, she has suffered no deprivation. Having received the benefit of four premises - namely, Rooms G3 and G6, temporary premises in Building D1, and Shop No. 46 - she has still chosen, with *mala fide* intent, to suppress material facts, including her refusal to return Room No. G6 despite being allotted premises in D1. These deliberate suppression by themselves disentitles the Petitioner to any relief whatsoever.

19) It is indeed unbelievable that a Petitioner, who claims to have been deprived of temporary alternate accommodation or rent since 2009, chose to remain silent and took no steps whatsoever until 2022 to assert such rights. The evidence produced before this Court to establish occupation of the premises is, to say the least, fabricated. The so-called receipts relied upon are not only suspicious but *ex facie* bogus—being issued by some society, curiously to unnamed individuals, and for “poultry songs.” Such documents are clearly concocted and it is evident that the entire claim has been built upon falsehood.

20) This case highlights the urgent need for the State authorities to completely overhaul and re-examine the process of verifying documents produced by persons claiming eligibility in slum schemes. The present record demonstrates the ease with which false and fraudulent documents are pressed into service, leading to gross misuse of the process of rehabilitation.

21) This, however, is a fit case where proceedings for contempt of Court merit initiation against the Petitioner and an inquiry regarding the running of Schools in a slum also deserves to be undertaken.

22) We further direct the Brihanmumbai Municipal Corporation (BMC) as well as SRA to conduct an inquiry into the manner in which the Trust was permitted to run a School in a slum with 150 students. Specifically, the inquiry shall ascertain whether requisite permissions had been obtained from the BMC for the structure and whether the Fire Department had granted a fire NOC permitting a School to function therein. The facts disclosed in this case reveal not only the dangers to which very young children have been exposed by individuals such as the Petitioner, but also the apparent inaction and apathy of the BMC and the SRA in allowing such activities to continue, thereby jeopardizing the lives of innocent children attending classes in unsafe and unauthorised structures.

23) We accordingly direct that the Review Petition stands dismissed with costs of Rs.5,00,000/- to be paid by the Petitioner, to the Armed Battle Casualties Welfare Fund within two weeks from the date of uploading of this Judgment on the website of High Court of Bombay. The account details of the said Welfare Fund are as under:

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|----------------|---|---|
| Account Name | : | Armed Forces Battle Casualties Welfare Fund. |
| Account Number | : | 90552010165915. |
| Bank Name | : | Canara Bank. |
| Branch | : | South Block, Defence Headquarters, New Delhi - 11011. |
| IFSC Code | : | CNRB0019055. |

24) Upon failure to pay costs within stipulated period, the Collector, Mumbai is directed to recover the said costs under the provisions of Maharashtra Land Revenue Code, 1966 as arrears of the land revenue and may attach and sell the properties of the Petitioner for recovery of the costs amount within a period of three months. Upon recovery of such amount, the same shall be paid to Armed Battle Casualties Welfare Fund as compensation within a period of two weeks.

25) We accordingly direct the Registry to issue a Show Cause Notice to the Petitioner, calling upon her to explain why proceedings for Contempt of Court should not be initiated against her. The Show

Cause Notice is made returnable on 13th November 2025.

26) List the matter for compliance of Judgment on 13th November 2025.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.).