

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1798 OF 2026

1. Sainand Gopal Kothavale, age--66
2. Anant Laxman Patil, age--78
3. Bhaskar S. Khedekar, age--45
4. Vilas L. Kambli, age--70
5. Bhimrao M. Bhosle, age--75
6. Laxminarayan P. Pendem, age-- 45
7. Sanjay V. Mahadik, age--55
8. Laxmi P. Pendem, age--72
9. Vidya Ashok Dubey, age--70
10. Vaishali S. Dalvi, age--48
11. Vaishali S. Sanil, Age 48
12. Shweta S. Khedekar, age-37
13. Varsha Vidyadhar Shinde, age-- 46
14. Narendra J. Mayekar, age--70
15. Rajshree R. Desai, age--55
16. Priti Madhu Bojja, age-- 51

17. Bhanudas P Kale, age--40
18. Sarita P Mayekar, age--77
19. Sulochana R. Kadam, age--76
20. Swapnil P Salvi, age--42
21. Nitin N. Mhatre, age--52
22. Pradip M. Divekar, age--58
23. Sandeep R. Monde, age--60
24. Shobhana S. Kurup, Age--48
25. Viraj Vidyadhar Shinde, age--22
26. Baliram P Sawant, age--68
27. Swapnil V. Sawant. Age--65
28. Surve S. Varun, age--65
29. Vijay Bahadur Singh, age--86
30. Vijay H. Vadhel, age--49
31. Vandana Lorkar, age--49
32. Krishna R. Jithuri, age--68
33. Vasanti V. Shinde, age--76
34. Vinayak V. Parab, age--70
35. Vinod V. Shinde, age--53
36. Sunil H. Chavan, age--62

37. Shubhangi S. Salvi, age--62
38. Savita A. Kharade, age--74
39. Sushila V. Pillai, age--82
40. Supriya P. Bhogale, age--62
41. Jaiprakash D. Dubey, age--72
42. Sunita V. Nayak, age-80
43. Kinnari Sawant, age--52
44. Anant L. Patil, age-63
45. Parag P. Patil, age--53
46. Vithoba L. Dhavde, age--76
47. Hausabai A. Bhosale, age--77
48. Vijaya V. Mohire, age--65
49. Sunil J. Kakde, age--58
50. Nilesh S. Patil, age--36
51. Pushpalata V. Sarange, age—66
52. Sahil S. Nalawade, age--40
53. Nitesh R. Paishetkar, age--40
54. Meghana Nath, age--46
55. Archana A. Bhosale, age--58

56. Vijaykumar S. Jaiswal, age-44
57. Alka V. Jadhav, age--45
58. Ashok H. Kamble, age--69
59. Prakash B. Khute, age--59
60. Jitendra L. Kamble, age--55
61. Pandibai Kamble- age --48
62. Vijaylal R. Mishra, age--53
63. Vijeta R. Kesawani, age--58
64. Appasaheb B. Sonawane, age--52
65. Dilip S. Vishwasrao, age--58
66. Chandrakala B. Kamble, age--58
67. Gnanamma S. Reddy, age--58
68. Ranjana S. Sawant, age--40
69. Shakuntala W. Danane, age--48
70. Malan N. Kamble, age-66
71. Sharda M. Bathula, age--59
72. Jamil G. Shikalgar, age--62
73. Baban K. Kamble, age--61
74. Subhash S. Jaiswal, age--66
75. Tarabai S. Battise, age--62

76. Anil S. Jadhav, age--44
77. Kamal Kalu Gaikwad, age--69
78. Draupati S. Jamdade, age--45
79. Yogesh G. Bibvekar, age—62
80. Gangayya G. Gajmore, age--46
81. Jaywanti B. Kamble, age--63
82. Laxmi B. Naik, age--61
83. Aruna Vinayak Pisal, age--59
84. Supriya S. Tawade, age--42
85. Raghunath N. Kanade, age--78
86. Prakash S. Sansare, age--80
87. Dattaram K. Landge, age--56
88. Shakuntala D. Jaiswal, age-63
89. Sidhesh P. Durgalwala, age--43
90. Santosh R. Thakaral, age--55
91. Bhujanga S. Shetty, age--68
92. Umakant S. Gite, age--55
93. Nalini J. Mhaskar, age--52
94. Suryakant S. Dhuri, age--49

95. Radhabai P. Bade, age--64
96. Nilesh B. Gaikwad, age--61
97. Pooja Vikas Mishra, age-69
98. Jyoti J. Desai, age--46
99. Shantabai A. Deshmukh, age--63
100. Bhanwarlal J. Jain, age--69
101. Dayaram G. Gupta, age--58
102. Ashok D. Dalvi, age--69
103. Pandharinath L. Durgawale, age--43
104. Dipak T. Dighe, age--61
105. Geeta A. Takke, age--54
106. Meena S. Kundar, age--48
107. Chandrakant K. Desai, age-63
108. Pramod A. Ghag, age--57
109. Rajshree H. Chavan, age-- 60
110. Vivekanand S. Shetty, age--48
111. Ramakant M. Baniya, age--56
112. Madhusudan S. Khamkar, age--69
113. Suman G. Shetye, age--55
114. Rajesh S. Bangera, age--71

115. Arun Anant Joshi, age--65
116. Sudhakar J. Belwaikar, age--52
117. Shashikala D. Shetty, age--71
118. Sumitra D. Bhopaikar, age-63
119. Ramji B. Jaiswal, age--51
120. Geeta R. Jaiswal, age--49
121. Bharatkumar S. Jaiswal, age-56
122. Dhiraj Ben B. Sodha, age--59
123. Sarla M. Didhiya, age---62
124. Vishakha V. Kanade, age--58
125. Sundar M. Shetty, age--44
126. Nelam D. Tiwari, age--47
127. Amarjeet Singh, age-61
128. Vijay B. Jaiswal, age---62
129. Geeta Rajesh Parte, age--57
130. Sangita A. More, age--65
131. Suman V. Mishra, age--59
132. Dattaram B. Monde, age--68
133. Santosh kumar R. Jaiswal, age--54

134. Vilas A. Manjrekar, age---58
135. Vithoba G. Shetti, age-57
136. Prashant P. Ugalmule, age-48
137. Sulochana P. Raut, age-53
138. Suresh D. Jaiswal, age-54
139. Shivkumari Jaiswal, age-61
140. Snehal R. Manjalkar, age-49
141. Sarita D. Chakor, age-53
142. Archana A. Phavde, age-57
143. Chitra C. Kokate, age-56
144. Asha Popat Zende, age-64
145. Fatima Shaikh, age-61
146. Hasan M. Kazi, age-44
147. Rajkumar H. Kesarwani, age-51
148. Sagar G. Bibvekar, age-63
149. Rameshkumar R. Tripathi, age-72
150. Abdul R. Shaikh, age-59
151. Ravi D. Addagatla, age-63

152. Pooja Rajkumar Tiwari, age--60
153. Dipesh H. Gala, age-55
154. Hasmukh K. Gala, age--66
155. Vani R. Boddu, age-52
156. Ashok K. Sawant, age-49
157. Anant G. Wankhede, age-42
158. Afzal Sutar Patel, age-54
159. Sunita A. Jaigadkar, age-55
160. Archana D. Khandare, age--59
161. Maqsood M. Shaikh, age--69
162. Alihaidar A. Sarnobat, age-61
163. Nilofar Gulab Shaikh, age-56
164. Najamunnisa A.S. kazi, age 52
165. Ruksana H. Patel, age-59
166. S. Bhuniya, age-62
167. Birendra B. Jaiswal, age--57
168. Sufian H Shah Patel, age-58
169. Rita P. Gala, age 48

170. Hassan N. Shaikh, age-59
171. Mohd Shakeel T. Khan, age--61
172. Ashish B. Dharad, age--63
173. Nadim Arif Shaikh, age-48
174. Dastagir H. Shaikh, age--70
175. Gulab N. Ambokar, age 54
176. Shaikh Sabrikhan, age-57
177. Firoja G. patel, age--60
178. Sunil S. Jadhav, age--49
179. Rita Premji Gala, age--63
180. Fakrunnisa D. patel, age-70
181. Imambi D. Patel, age--70
182. Kadri H. G. Hussain, age--66
183. Maryamma V. Maske, age--70
184. Shailesh R. Jaiswal, age--43
185. Niyaz Bano Shaikh, age--42
186. Bhagyavati S. Panjala, age--59
187. Sneha J. Ghadigaokar, age--59

188. Satish Arvind Gholap, age--44
189. Mehrajun M. Shaikh, age--53
190. Nasim Bano Patel, age--63
191. Mushtaq Ali H. Karol, age-65
192. Ahmed Jafar Shaikh, age-45
193. Jamaluddin Y. Shaikh, age--68
194. Ratan Kesharwani, age--49
195. Niyazben Ahmed Hussain, age 67
196. Shamunnisa A. Naik, age--58
197. Subhashchandra Yadav, age-65
198. Balkrishna M. Naik, age--45
199. Somnath K. Naik, age--63
200. Shobha Jaiswal, age--62
201. Jahira D. Shaikh, age-63
202. Vijay K. Kajrolkar, age--48
203. Nilofer Shaikh, age-43
204. Rashid M. Masulkar, age 57
205. Noor Shaikh, age--43

206. Afsari M. Qureshi, age--70
207. Sajid Ismail Rakhang, age 57
208. Rajkumar B. Tiwari, age---56
209. Hasmukh Kanji Gala, age---53
210. Bal S. Kamble, age--52
211. Suman V. Mishra, age--66
212. Munir A Makhwar, age--63
213. Prabhakar L. Sunka, age--49
214. Sushila L. Khunte, age--61
215. Laxmi S, Masurekar, age--67
216. Dilip A. Rohekar, age--53
217. Arjun B. Khandagale, age--67
218. Anand G. Kamble, age--64
219. Sanjay V. Chiplunkar, age--58
220. Ratnabai S. Deverkar, age-- 69
221. Chandrakant Waghmare, age--63
222. Shashikala D. Gaikwad, age--46
223. Shridhar N. Waghmare, age--63

- 224. Vilas A. Gaikwad, age-55
- 225. Vijay S. Gaikwad, age---70
- 226. Prabhavati Rohekar, age--56
- 227. Prashant B. Sawarkar, age--55
- 228. Shakuntala B. Sathe, age--63
- 229. Shobha N. Adsule, age-- 44
- 230. Santosh G, Fale, age-65
- 231. Subhendra J. Bhingare, age 67
- 232. Hemlata B. Dekhane, age54
- 233. Khurshid Khan, age--49
- 234. Shankar B. Naik, age--44
- 235. Arun H. Balekar, age 65
- 236. Nandkishor K. Kamble, age--43
- 237. Purushottam Bhandari, age--57
- 238. Mallappa S. Nagral, age--61
- 239. Geeta K. Kajrekar, age--64
- 240. Anand B. Gaikwad, age--57
- 241. Kalpana Bhosale, age--69

- 242. Pratibha B. Kamble, age--68
- 243. Amlesh Gupta, age--58
- 244. Tej Bahadur Singh, age—56
- 245. Bhimrao Nivruti Rasal, age --62
- 246. Ramdular D. Jaiswal, age-57
- 247. Satyam Narendra Singh, age--66
- 248. Sharad Prasad S, Sharma, age 58
- 249. Pradeep P. Mane, age 48
- 250. Hausabai B. Aher, age--70
- 251. Kamladevi J. Singh, age--69
- 252. Santosh L. Gupta, age--45
- 253. Nitesh Kumar Mishra, age--56
- 254. Vasanti K. Gupta, age--61
- 255. Ramdular D. Jaiswal, age---57
- 256. Satyam Narendra Singh, age--66
- 257. Sharad prasad S. Sharma, age--58
- 258. Pradeep P Mane, age-48
- 259. Hausabai B. Aher, age 70

- 260. Kamladevi J. singh, age---69
- 261. Santosh L. Gupta, age--45
- 262. Nitesh kumar Mishra, age 56
- 263. Vasanti K. Gupta, age--61
- 264. Ramdular R. Yadav, age--49
- 265. Sharda S. Gholap, age-44
- 266. Vishakha Sopan Gaikwad, age--43
- 267. Suresh Bajarang Rasal, age--49
- 268. Ashadevi S. Sharma, age--63
- 269. Bhanudas D Nikam, age--49
- 270. Namdeo M. More, age--52
- 271. Lalta Prasad Gupta, age--59
- 272. Omprakash L. Gupta, age-73
- 273. Bajrang V. Singh, age -59
- 274. Ramsurat R. Singh, age --48)
- 275. Kiran S. Dontha, age-51
- 276. Amravati Devi Rajpratap, age-44
- 277. Dineshchandra L. Pandey, age-48

278. Ashokkumar R. Singh, age-57
279. Ramesh P. jawale, age-71
280. Kailash I. Nikalje, age 61
281. Chaya N. Kamble, age-54
282. Shailesh S. Gade, age--46
283. Jethlal K. Jaiswal, age--58
284. Jyoti R. Sargam, age--50
285. Vijay B. Shetty, age--71
286. Dharendra Baban Singh, age-43
287. Vikas V. Mishra, age--60
288. Sugarabai Shahanz Khan, age-58
289. Hariprasad R. Singh, age---51
290. Chotelal G. Pandey, age--63
291. Manishkumar D. Pandey, age--63
292. Rajendra W. Jawale, age--52
293. Sharadkumar R. Singh, age--65
294. Devdas S. Chandanshive, age--69
295. Sanjog Koregaokar, age --49

296. Chandrabhaga Kota. Age--64
297. Vilas Mainkar, age--56
298. Rajendra Singh, age-38
299. Hanmayya L. Janjirala, age-69
300. Santoshkumar Mishra, age-74
301. Suresh Singh, age ---51
302. Rekha D Mishra, age---52
303. Mahindra Gupta,age-49
304. Sanjaykumar Raghuvanshi, age---60)
305. Pushpa Singh, age --57
306. Suman Kiratkar, age-66
307. Pooranmasi Gupta, age--70
308. Dinesh Goswami, age--63
309. Maya Sasane, age---51
310. Kiran Salvi, age--53
311. Anusaya Khade, age-69
312. Anusaya Sonawane, age--72
313. Namdeo More, age--66

- 314. Manoj Singh, age---58
- 315. Geetadevi Gupta, age---66
- 316. Harishchandra Tambe, age-69
- 317. Shetalaprasad Singh, age--59
- 318. Baban Kiratkar, age--41
- 319. Meena More,age--48
- 320. Laleetkumar & Vinaykumar Yadav,
age 59
- 321. Ravindra Salvi, age--47
- 322. Hare Krishna Mane, age--69
- 323. Parvati Shinde, age--48
- 324. Sharda Kamble, age-55
- 325. Savitridevi Shukla, age-42
- 326. Falendra Kamble, age 59
- 327. Vineetkumar Singh, age-53
- 328. Ramsanjeevan pal, age 62
- 329. Manoj Omprakash Singh, age --49

All Petitioner No. 1 to 329, residing at

commonly BDD Chawl Nos. 12, 13,
14, 15, 21 and 29, Ganpat Jadhav Marg,
Jambori Maidan, Worli, Worli,
Mumbai-400018.

...Petitioners

Versus

1. The State of Maharashtra, through Govt.
Pleader, High Court (O.S.) Mumbai.

2. Maharashtra Housing Area Development
Authority, having their office at MHADA,
Grihanirman Bhavan, Kalanagar, Bandra
(East), Mumbai – 400 051.

...Respondents

Mr. Nandkumar Bagwe a/w Mr. Chinmay Gupte for the Petitioners.

Ms. Jyoti Mhatre i/b Adv.Komal Punjabi for the Respondent – BMC.

Mr. P.G.Lad a/w Ms. Sayali Apte for the Respondent – MHADA.

Mr. Suraj Gupte, A.G.P for the Respondent-State.

CORAM : M. S. KARNIK &
SANDESH D. PATIL JJ.

DATE : 25th AUGUST, 2026

JUDGMENT (PER SANDESH D. PATIL, J.)

1. By the present petition, the petitioners are seeking a declaration that the Revised Layout Plan dated 24th January, 2025 is illegal, ultra vires and *void ab initio*. A direction is also sought to

reinstate and enforce the original Master Layout Plan dated 16th March, 2021. A writ of Certiorari is sought for setting aside any modification in the Master Layout Plan dated 16th March, 2021. The further prayer is sought that the order of the respondent No.2 be declared as null and void ab initio. Although the petitioners have sought the prayer to declare the order of the respondent No.2 as null and void and sought quashing of the same, however, in the entire petition the details including date of the order is not mentioned.

2. The petitioners' case is that they are long-term tenants of the Worli B.D.D. chawl. It is their case that on 16th March, 2021, MHADA finalized and approved the Master Development Plan for the B.D.D.chawl development and that the petitioners were allotted flats in the Rehab Building No.1, admeasuring about 500 sq.ft. each. It is the case of the petitioner that a new plan dated 24th January, 2025 was drawn and the petitioners have been wiped of from the plan. The Revised Layout treats Rehab Building No.1 as if no prior

allocation ever existed. It is the contention of the petitioners that the unilateral removal of the petitioners' allotment in Worli B.D.D.chawl and diversion of those rehab flats to the persons who were not originally eligible was taken without giving them notice of hearing, in violation of principle of natural justice. There was no public notice or Government sanction given for the Revised Layout Plan and it was a favoritism to a selected groups at the expense of lawful tenants. The petitioners contended that allotments were conducted through a lottery on 14th October, 2024 distributing hundreds of flats to persons outside the eligible tenant list. It is the contention of the petitioners that the petitioners are left without any homes and have therefore, filed the present petition.

3. The respondent – MHADA in response have filed an affidavit. They have stated that the petitioners have no right to ask for a writ of Mandamus. The MHADA in its affidavit had stated that the petitioners are tenants of the respondent No.2 in respect of their respective tenaments in building Nos. 12, 13, 14, 15, 21 and 29. The

respondent No.1 has formed scheme for cluster re-development of B.D.D.chawl and after getting necessary approval, the respondent No.2 incorporated Regulations 33(9)(B) in DCPR for redevelopment of B.D.D.chawl. The only right of the petitioners is that they are beneficiary of the Scheme and are entitled for permanent alternate accommodation admeasuring at about 46.45 sq.mtrs. equivalent to 500 sq.ft. The MHADA has stated on affidavit that the petitioners are eligible occupants and are entitled for permanent alternate accommodation. However, they do not have right to challenge the Layout and/or the plan or insist for rehabilitation in a particular building. The MHADA has in their affidavit stated that the plan for redevelopment of B.D.D.chawl Worli was approved on 5th April, 2022 and was prepared taking into consideration the provisions of Development Control Regulations. It is stated that there were many other plans which were prepared to ascertain number of buildings and tenaments to be accommodated in the building. The said plans were however, tentative and ultimately, the present sanctioned plan dated 5th April, 2022 was approved. The MHADA, therefore,

prayed for the dismissal of the petition.

4. Perused the pleadings. Heard the learned Counsel for the parties.

5. The basic grievance of the petitioners appears to be that they were allotted tenaments in a particular building, however, now the layout is changed and that in the changed layout, their building does not find place. There is nothing on record to indicate that the petitioners were allotted a particular tenament in a particular building. The petitioners have not produced on record any allotment letter or agreement entered between the MHADA and the petitioners. Thus, the very basis of the claim of the petitioners is without any substance.

6. The re-development of the B.D.D.chawl has commenced. Layout is Sanctioned on 5th April, 2022 and the scheme for cluster redevelopment of B.D.C.chawl is in progress. Some buildings are demolished and new buildings are constructed. The MHADA has

specifically stated on oath that the petitioners are eligible for permanent alternate accommodation in the B.D.D.Chawl itself and that they will be allotted the permanent alternate accommodation. Thus, the sum and substance of the contentions of the MHADA is that the petitioners are entitled to be allotted a permanent alternate accommodation, however, they cannot challenge the Layout Plan.

7. The petitioners are harping upon some Layout Plan which was allegedly sanctioned on 16th March, 2021. However, it is the MHADA's contention that there were many alternate plans which were drawn and ultimately the present Layout Plan dated 5th April, 2022 was finalized. The MHADA has specifically stated in its affidavit at page No.11 that the petitioners are occupants of building Nos.12, 13, 14, 15, 21 and 29 and that permanent accommodation to the petitioners are proposed in the rehab building No.2 and lottery is already conducted. The assurance given by the MHADA that the petitioners will be accommodated in rehab building No.2 and that the lottery is already conducted is sufficient to assure the petitioners

that they will be given the permanent alternate accommodations.

8. As far as the challenge to the Layout is concerned, the petitioners who are just tenants have no locus to challenge the Layout. It is not the case of the petitioners that the Layout is contrary to the provisions to the MRTP Act. It is also not the contention of the petitioners that the Layout is contrary to the prevailing rules under the MHADA Act or the MRTP Act. This being the position, there is no merit in the contentions of the petitioners. The petitioners are entitled to permanent alternate accommodation. The affidavit of MHADA specifically assures that the permanent alternate accommodation will be provided to the petitioners.

9. In light of this, there is no merit in this petition. Hence, the following order :

ORDER

- (i) Writ Petition No. 1798 of 2026 is dismissed.

(ii) In view of dismissal of the petition, Contempt Petition (L) No. 18944 of 2026 is also disposed of.

(SANDESH D. PATIL, J.)

(M. S. KARNIK, J.)

10. After the Judgment was pronounced, learned Counsel for the petitioner seeks continuation of the interim protection already operating.

11. The request is opposed by the learned Counsel for MHADA.

12. In the interest of justice, the interim arrangement which is already in operation, to continue for a period of four weeks from today.

(SANDESH D. PATIL, J.)

(M. S. KARNIK, J.)