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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 4096 OF 2024

Kailash Chandra Agarwal Through Poonam ...Petitioner

Mohan Jani

Versus

The Slum Rehabilitation Authority ...Respondent

Mr. Piyush Shah, a/w Mr. Dishang Shah, Mr. Kinjal Gogri, for the
Petitioners.

Mr. Makrand Raut, for the Respondent No. 4 - Developer.

Mr. Kedar Nhavkar, a/w Mr. Harshwardhan Karande, i/b M.
Vishwanath Patil, for the Respondent No. 1 - SRA.

Ms. Anuja Tirmali, i/b Ms. Komal Punjabi, for the Respondent No.
2 - BMC.

Mr. Shrikant Patil, JEMW present for BMC.

CORAM: SUMAN SHYAM &
ADVAIT M. SETHNA, JJ.

DATED: 19th AUGUST 2026.

PC:-

1. By referring to our orders dated 28th July 2026 and 31st July 2026, Mr. Shah, representing the Petitioner through his constituted attorney, viz., Poonam Mohan Jani, submits that the developer, i.e. Respondent No. 4, has handed over possession of the permanent alternate accommodation to his client yesterday evening, i.e. on

18th August 2026. Therefore, in discharge of his obligation in the matter, the Petitioner would hand over possession of the original structure occupied by him within 48 hours from today. He further submits that by recording such undertaking of the Petitioner, the Writ Petition can be disposed of.

2. Responding to the above submission, Mr. Makarand Raut, learned counsel for Respondent No. 4, submits that he would have no objection, if such an order is passed. He, however, prays for an observation from this Court that the above transaction would fully discharge the liability of the developer towards the Petitioner or his representative. The above submission has not been opposed by any of the counsel.

3. In view of the above, we dispose of this Writ Petition by the following :-

ORDER

- (i) The Petitioner shall hand over possession of the original structure to Respondent No. 4 on or before 21st August 2026 at 10.00 a.m., by complying with the requisite formalities, including execution of the handing over possession note.
- (ii) Upon handing over possession of the premises, the

liability of Respondent No. 4, developer, shall stand fully discharged towards the Petitioner as well as his legal representative.

(iii) After the premises are handed over, the developer shall demolish the same and allow the Corporation to continue with the work of widening of the road without any further delay.

(iv) Mrs. Poonam Jani, the constituted attorney representing the original Petitioner would indemnify the Respondent No. 4 against the action if any of the legal heirs/representative of the Principal/writ petitioner with regard to consequences if any arising pursuant to the above transaction.

4. Writ Petition stands disposed of accordingly.

(ADVAIT M. SETHNA, J.)

(SUMAN SHYAM, J.)