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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1660 OF 2024

Sanjay Kumar Gadia & Ors ...Petitioners
Versus
State of Maharashtra & Ors ...Respondents

Mr Omprakash Pandey, *with Rahul O Pandey, Alok Singh,
Pamrunnisa Y Shaikh, Pramila Prajapati, for the Petitioner.*
Ms Uma Palsuledesai, AGP, *for the Respondent-State.*
Mr Raju Suryawanshi, *for Respondents Nos. 9 to 12.*

**CORAM M.S. Sonak &
 Kamal Khata, JJ.**
DATED: 8th July 2024

PC:-

1. Heard learned counsel for the parties.

2. Leave is granted to amend the cause title because this matter pertains to the Appellate Side and not the Original Side. Mr Pandey learned counsel for the Petitioner states that necessary amendment would be carried out forthwith. Reverification is dispensed with.

3. The building in which the Petitioners were residing was demolished in November 2023. Mr Suryawanshi learned counsel for Respondents Nos. 9 to 12 (landlords) states that landlords have no

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immediate proposal for redevelopment. However, he states that the measurements undertaken by the Brihanmumbai Municipal Corporation (“BMC”) will bind Respondents Nos. 9 to 12. He points out that such measurements certificates are at Exhibit “G” to the Petition from pages 286 onwards.

4. In terms of the law, the landlords have a years’ time to propose redevelopment. However, within a year, the landlords failed to take any concrete steps towards redevelopment, then, even the occupants/tenants are not remedyless. They too, have the right to propose for reconstruction in accordance with law. In this regard, we refer to the decision in *Chandralok People Welfare Assn. v. State of Maharashtra*¹ in which, the legal position in such matters is extensively discussed.

5. Therefore, by clarifying the above position, and leaving the Petitioners to adopt such remedies as the law permits them, we dispose of this Petition. There should be no orders for costs.

(Kamal Khata, J)

(M.S. Sonak, J)

1 2023 SCC Online Bom 2300.