

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11741 OF 2025

Jayaben Chunilal Shah & Anr.

...Petitioners

Versus

Maharashtra Housing And
Area Development Authority & Ors.

...Respondents

Mr. Huzefa Nashikwala a/w Idris Balasinorwala and Farzan Rine for Petitioner.

Mr. R. Y. Sirsikar for Respondent - BMC.

Mr. Aditya Lele for Respondent No.5.

Dr. Uday Warunjikar a/w Jenish Jain and Yash Jagdale for MHADA.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 11 SEPTEMBER 2025

P.C.

1. Not on Board. Taken on board.
2. Stand over to **15 September 2025 (H.O.B.)** to enable Dr. Uday Warunjikar, learned counsel for MHADA to take instructions and more particularly, that there is already a report of the Executive Engineer dated 23 May 2025 Exhibit -M (page 79) which recognizes the petitioners' entitlement as contended to be a tenant of the property in question. His contention is that the list of the approved tenants would be accordingly required to be amended insofar as the petitioners are concerned, which was kept in abeyance as seen from the statement at page 59 which is prepared by the Deputy Chief Engineer, Zone No.2 of the Mumbai Building Reconstruction and Rehabilitation Board.

3. The landlord is also represented. The landlord shall also place on record his reply affidavit.
4. At this stage, we may observe that learned counsel for the developer/landlord - respondent No.5 has fairly stated that respondent No.5 is ready and willing to execute a PAA agreement with the petitioners, however, has not come forward.
5. Even such willingness on the part of the developer/landlord also needs to be borne in mind by the concerned officials of the MHADA.
6. We have heard learned counsel for the parties at some length, Dr. Warunjikar represents for MHADA. Considering the submissions as made on behalf of respondent No.5 – Developer/landlord, we are of the opinion that the proceedings need to be resolved. Learned counsel for the parties have also fairly stated that an endeavor in that regard can be made.
7. In the meantime, MHADA shall not take any coercive action against the petitioners premises.
8. Stand over to **15 September 2025 (H.O.B.)** for filing consent terms.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)