

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12851 OF 2025

Narayanrao Govind Nikose & Anr	..Petitioners
Versus	
Maharashtra Housing and Area Development Authority & Ors	...Respondents

Dr. Abhinav Chandrachud, with Ankit Tiwari and Darshan Patankar,
i/b K.P. Tiwari & Co, for the Petitioners.

CORAM: N. J. JAMADAR, J.
DATE : 9th OCTOBER 2025

P.C.:

1. Heard the learned Counsel for the Petitioners.
2. The challenge in this Petition is to an order dated 6th August 2025, whereby the learned Judge, City Civil Court, Greater Mumbai, declined to pass a direction to the Authorities of Respondent No.1 to consider the representation of the Petitioners.
3. The Suit is instituted in the year 2002. The learned Judge was of the view that in a Suit seeking declaration regarding the actions of the Respondents such a direction cannot be passed by the Civil Court. No fault can be found with the impugned order.

ARUN
RAMCHANDRA
SANKPAL

Digitally signed by
ARUN
RAMCHANDRA
SANKPAL
Date: 2025.10.13
09:06:51 +0530

4. However, since a submission was made that, there is an element of settlement, the Respondent No.1 is directed to consider the representation of the Petitioners on its own merits and in accordance with law, if it falls within the province of the authority of Respondent No.1.

5. It is, however, made clear that the aforesaid direction shall not preclude the trial in the Suit and the Petitioner shall not be entitled to seek any adjournment on the ground that the representation awaits consideration.

6. Subject to the aforesaid clarifications, the Petition stands disposed.

[N. J. JAMADAR, J.]