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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 15455 OF 2025

Omprakash Vishwanath Jaiswal	...Petitioner
Versus	
Mumbai Metropolitan Region Development Authority	...Respondent

Mr. Shailesh Rai for Petitioner.

Mr. Akshay Shinde for Respondent.

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

DATE: 20th NOVEMBER 2025

P.C.

1. We have learned Counsel for the parties.
2. This Petition under Article 226 of the Constitution of India is filed praying for the following substantive reliefs:-

“a) This Honouable Court be please to pass writ, order and/or directions thereby quashing and setting aside the Impugned Notices dated 28th March, 2025, August, 2025 and 28th October, 2025 annexed at EXHIBIT "G", "J" and "L" respectively issued by the Respondent in respect of the writ premises i.e. Flat No. 314, Building No. R-11, 3rd Floor, Sagar CHS Ltd, Ram Mandir Road, MMRDA Colony, Goregaon (West), Mumbai 400 104;

b) This Honouable Court be please to pass writ, order and/or direction thereby directing the Respondent to give the personal hearing to the Petitioner and pass speaking order on the representations filed by the Petitioner after considering the documents filed by the Petitioner in respect of writ premises i.e. Flat No. 314, Building No. R-11, 3rd Floor, Sagar CHS Ltd, Ram Mandir Road, MMRDA Colony, Goregaon (West), Mumbai 400 104;

c) This Honouable Court be please to grant liberty to the Petitioner to file his representation afresh alongwith list of documents with the Respondent for consideration and passing of speaking order in respect of writ premises i.e. Flat No. 314, Building No. R-11, 3rd Floor, Sagar CHS Ltd, Ram Mandir Road, MMRDA Colony, Goregaon (West), Mumbai 400 104;”

3. We are informed by Mr. Akshay Shinde, learned Counsel for the Respondent, that the notice dated 28th October 2025 was issued in accordance with law and that due procedure was followed. He submits that on 14th November 2025, considering that the Petitioner had no legal rights whatsoever in respect of the tenement in question, the premises were sealed. He further submits that the appropriate remedy for the Petitioner would be to challenge the order passed by the MMRDA holding that the Petitioner is not eligible for the tenement in question.

4. In this view of the matter, we are of the opinion that it may not be possible for this Court to adjudicate the factual disputes which may require evidence, including the question of whether the Petitioner was eligible or entitled to the tenement in question. Such issues are required to be decided by the appropriate authority.

5. Mr. Shinde further informs us that it is open to the Petitioner to approach the Grievance Redressal Committee in the event the Petitioner is aggrieved by the action taken by the Respondent-MMRDA. The Petitioner is accordingly permitted to avail an appropriate remedy by making an application before the said authority. Let such application be filed within a period of two weeks from today. If such an application is filed within the said period, the same shall be adjudicated in accordance with law, without objection as to limitation. All contentions of the parties in that regard are expressly kept open.

6. The Petition stands disposed of. No costs. Needless to observe that the Petitioner shall also be permitted to move for interim relief, and appropriate orders shall be passed in accordance with law.

7. Petition is disposed of in the aforesaid terms. No costs.

8. All contentions of the parties are expressly kept open.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)