

MJ Jadhav

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 109 OF 2025
WITH
INTERIM APPLICATION NO. 3585 OF 2025
WITH
INTERIM APPLICATION NO. 1865 OF 2025
IN
APPEAL FROM ORDER NO. 109 OF 2025**

Suman Kirit Kantharia and Ors. ... Appellants/Applicants

vs.

Mumbai Housing and Area Development ... Respondents
Mumbai Through Its Ex. Engineer Borivali
Office and Anr.

Mr. Rakesh Kumar Tiwari for the Appellants/Applicants.

Mr. Aniesh S. Jadhav a/w Shyam K. Singh Rushikesh Kekane for
the Respondents.

CORAM : GAURI GODSE, J.

DATED : 12th MARCH 2025

ORDER :-

1. After arguing the appeal for some time, learned counsel for the appellants on instructions of appellant no.1, who is also representative of appellant nos.2 to 5, who are minors, submits that the appellant no.1 be granted time to make an appropriate application before the designated Officer Deputy Engineer, Borivali,

MHADA for considering her prayer for alternate accommodation on the ground that the suit structure is in existence since 1962. He submits that necessary application shall be made within one week from today.

2. Learned counsel appearing for respondent no.1, on instructions of Mr. Deepak Mahajan, Deputy Engineer submits that if an application is filed, the same shall be considered by the designated Officer to verify whether the suit structure is protected under any of the schemes of MHADA and whether the appellant would be entitled to alternate accommodation.

3. Learned counsel for the MHADA submits that in the event the appellant's structure is found protected under any of the schemes of Government, the application shall be forwarded to the concerned department of the State Government. He submits that if an application is filed within a week, appropriate decision shall be made within a week thereafter.

4. Learned counsel for the appellant, on instructions, submits that if the appellant is not found eligible by MHADA for alternate accommodation, the appellants shall vacate the suit structure without prejudice to the rights and contentions of the appellants to apply for alternate accommodation under any of the schemes of the

Government. The appellants are, therefore, permitted to file appropriate application as recorded above. If an application is filed within a week, the designated Officer of respondent no.1 shall verify the documents and pass an appropriate order within a week thereafter.

5. List the appeal for compliance and further hearing on 1st April 2025.
6. To be listed under the caption 'for directions'.
7. Till the next date, no coercive action be taken for removal of the suit structure.

(GAURI GODSE, J.)