

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.7775 OF 2025
IN
WRIT PETITION NO.14580 OF 2024

Ramkhilawan Raghunath Halwai .. Petitioner
Versus
State of Maharashtra and Ors. .. Respondents

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• Mr. Jitendra B. Mishra, Advocate for Petitioner.

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CORAM : MILIND N. JADHAV, J.
DATE : AUGUST 25, 2025

P.C.:

- 1.** Mentioned. Not on Board. Taken on Board.
- 2.** Perused the praecipe dated 25.08.2025.
- 3.** Heard Mr. Mishra, learned Advocate for Petitioner.
- 4.** Petitioner is a 80 year old person. Dispute is with respect to the entitlement of MHADA premises with the cousin of the Petitioner who also claims joint entitlement. There are three orders which are passed prior to Petitioner approaching this Court. The challenge in the present Petition is to the order passed by the State. Prior thereto the Chief Executive Officer of MHADA has however held in favour of Petitioner. There are two orders in favour of Respondent – cousin whereas one order of CEO is in favour of Petitioner.
- 5.** Since Petitioner is 80 years old and also been deprived of

transit rent, Mr. Mishra's grievance is that despite premises being ready the possession of the same is withheld on account of present dispute between the Petitioner and his cousin brother.

6. *Prima facie* if there is dispute between parties relating to entitlement of immovable property, this Court has consistently taken a view that parties will have to resolve the same in the Civil Court. This is just to put both the parties before me on notice.

7. Hence an arguable case is made out by Mr. Mishra for issuance of notice to Respondents. I am informed that notice has been issued by the Court and Respondents are also represented by Advocates.

8. Respondents are directed to file their Affidavit-in-Reply within a period of two weeks from today. Copy of this order shall be served on Respondents.

9. One of Mr. Mishra's submission is that Petitioner has executed the Agreement with Developer with respect to original subject premises and therefore according to Petitioner, he claims exclusive right.

10. Stand over to **08th September, 2025.**

11. Praecipe is disposed.