

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 168 OF 2025

New Samrat Welfare Society & Anr. ... Petitioners

**V/s.**

Municipal Corporation Of Greater Mumbai & Anr. ... Respondents

**WITH**

**INTERIM APPLICATION (L) NO. 17368 OF 2023**

**IN**

**WRIT PETITION NO. 168 OF 2025**

Prabhavati Shitalaprasad Yadav ... Applicant

**In the matter between:-**

New Samrat Welfare Society & Anr. ... Petitioners

**V/s.**

Municipal Corporation Of Greater Mumbai & Anr. ... Respondents

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Mr. Dhananjay Singh i/b Mr. Shailesh Rai for Petitioners.

Ms. Aditi S. Naikare for Intervenor/Applicant in IAL/17368/2023.

Ms. Meena Dhuri i/b Ms. Komal Punjabi for Respondent Nos. 1 and 2-BMC.

Mr. Dattatray Yedley, Sub Engineer, Water Works, P/South Ward, present.

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**CORAM : A. S. GADKARI AND  
KAMAL KHATA, JJ.**

**DATE : 26<sup>th</sup> March 2025.**

**P.C. :**

1) Ms. Naikare, learned Advocate appearing for Intervenor Prabhavati Shitalaprasad Yadav, on instructions submitted that, in view of the deliberation in the Court on earlier occasions, her client has now provided pipeline to the residence of Petitioners, which supplies drinking water as per the timing of the Corporation.

1.1) In view thereof, the grievance of the Petitioners is substantially resolved.

2) We make it clear that, providing water connections to the houses of Petitioners by the Intervenor will not create any equitable right in favour of the Intervenor, who claims ownership on the suit property.

2.1) *Vice versa*, providing water connections by the Intervenor, Prabhavati Shitalaprasad Yadav, shall not be construed as she has admitted the Petitioners as her lawful tenants.

2.2) The issue of determination of tenancy is already adjudicated before the jurisdictional Civil Court and the concerned Court shall not get influenced of the fact that, the Intervenor has provided water connections to the Petitioners.

2.3) We deem it appropriate to further clarify that, we have entertained the present Petition as the grievance was made to us that, the Petitioners are deprived of the basic requirement of life i.e. potable/drinking water, which infringes their fundamental right as enshrined under Article 21 of the Constitution of India.

3) In view of the above, Petition is accordingly disposed off.

3.1) In view of disposal of Petition, Interim Application (L) No. 17368 of 2023, does not survive and is also disposed off.

( KAMAL KHATA, J. )

( A.S. GADKARI, J. )