



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 567 OF 2024

India Photo Studio and Ors.

...Petitioners

Versus

Maharashtra Housing & Area Development
Authority and Ors.

...Respondents

WITH
INTERIM APPLICATION (L) NO. 7169 OF 2024
IN
WRIT PETITION NO. 567 OF 2024

Mr. Vishal Kanade a/w Mr. Ramachandran Narayanan, Ms. Akanksha R. Patil i/b
Narayanan & Narayanan, for Petitioners.

Mr. Ram Apte, Sr. Advocate i/b Kamlesh R. Tiwari and Mr. Mahesh Pandey, for
Respondent No.4.

Mr. P.G. Lad a/w Ms. Sayali Apte, for Respondent Nos. 1 to 3 – MHADA.

CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.

DATE: 11th AUGUST 2025

P.C.

1. This Petition is filed under Article 226 of the Constitution of India. The

Petitioners are praying for the following substantive reliefs:-

“(d) that this Hon’ble Court be pleased to issue a Writ of Mandamus or a Writ in the nature of Mandamus or any other writ order or direction under Article 226 of the Constitution of India directing the Respondents No.2 to decide the Petitioners’ Application dated 17th January 2023 seeking revocation / cancellation of the NOC dated 13th January 2021 issued to the Respondent No.4 for the reasons and on the grounds as set out therein and pending such decision, desist and refrain from proceeding with and / or giving effect to the communication dated 15th May 2023 passed by the Respondent No.2, the Notice for Summary Eviction dated 23rd July 2023 issued by the Respondent No.3 and the consequent 95A Order / 48 Hours Notice dated 18th

December 2023 issued by the Respondent No.3 and forcibly and summarily evicting and / or dispossessing the Petitioners from their respective tenanted premises;

(f) that pending the admission, hearing and final disposal of this Petition, the Respondents Nos. 1 to 3 be directed to desist and refrain from proceeding with and / or giving effect to the communication dated 15th May 2023 passed by the Respondent No.2, the Notice for Summary Eviction dated 23rd July 2023 issued by the Respondent No.3 and the consequent 95A Order / 48 Hours Notice dated 18th December 2023 issued by the Respondent No.3 and forcibly and summarily evicting and / or dispossessing the Petitioners from their respective tenanted premises;”

2. We have heard the proceedings on the earlier occasion. We have also perused the orders passed in this Petition. Today, Petitioners and Respondent No.4 are before this Court stating that the disputes between the parties are stated to be resolved in terms of the Minutes of Order, which are signed by the Advocates for the Petitioners and Respondent No.4. For the purpose of identification, the Minutes of Order are placed on record.

3. We are of the opinion that this Petition can be disposed of in terms of the Minutes of Order. However, we may add that insofar as the role of MHADA is concerned, at this stage of the proceedings is very limited. Mr. Lad, on instructions, has agreed that the measurement of the open space can be undertaken within 15 days from today. In the peculiar facts of the case, this is to be done in the presence of the representative of the Petitioners as well as Respondent No.4. The appropriate certification be handed over by the definite officer of MHADA to the parties. Such certification shall also be taken into consideration in the Permanent Alternate Accommodation Agreement (PAAA) to be executed between the Petitioners and Respondent No.4 as agreed between the parties.

4. We direct that after such certification is handed over, Respondent No.4 enter into the PAAA Agreement within 10 days and after such agreement is entered, within 10 days thereafter, the Petitioners shall vacate their respective tenements/part of the open space and hand over the same to Respondent No.4 for development. All this shall be subject to whatsoever is agreed in the Minutes of Order tendered before the Court.

5. Needless to observe that certification shall be as per the Minutes of Order as agreed between the parties.

6. We do not intend to consider any other issues in regard to the appropriate revalidation of the NOC granted by MHADA, as all these issues are necessary for the purpose of taking further steps in regard to the redevelopment, in regard to which Respondent No.4 shall take all appropriate steps. All contentions of parties in that regard are expressly kept open.

7. The Writ Petition is disposed of in terms of Minutes of Order and also in terms of our observations.

8. The Interim Application do not survive, and the same also stands disposed of.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)