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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 663 OF 2025

Shirsal Matnale S/O Shivappa

Matnale

...Petitioner

Versus

The State Of Maharashtra

...Respondents

Mr. Anand R. Kandoi a/w. Kevin Gala, for Petitioner.

Mr. Nishigandh Patil, AGP for Respondent-State.

Mr. Prashant Chavan, Senior Advocate a/w. Mr. Meet Vora, Ms. Hasmita Patel, Ms. Komal Jadhav, i/b. Navdeep Vora & Associates for Respondent Nos.2 to 4.

Ms. Simantini Mohite i/b. Mr. A.R.Mishra, for Respondent No.5.

Mr. Rahul Gaikwad a/w. Mr. Rahul Kamble, D.J.Shejul, Mr. Shantanu Latpate, for Respondent No.6

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

DATE: 10th December 2025

P.C.

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

praying for following substantive reliefs:

a) That this Hon'ble Court be pleased to issue appropriate writ, order and direction, thereby directing the Respondent Nos. 2 to 5 to implement the Respondent No. 2's letter dated 26 September, 2022 (being Exhibit - E herein), at the earliest, by obtaining the vacant possession of the subject flat from the Respondent No. 6 under necessary police protection and by handing over the peaceful possession of the subject flat being the Flat No. 107 in Ashirwad Building No. 1, situated in Pocket No. 3 of Ambedkar Nagar, MIDC, Andheri East, Mumbai - 400 093 to the Petitioner, on such terms and conditions as this Hon'ble Court may deem fit and proper;

b) That this Hon'ble Court be pleased to issue appropriate writ, order and direction, thereby directing the Respondent Nos. 2 to 5 to issue to the Petitioner outstanding rent cheque/s till date, on such terms and conditions as this Hon'ble Court may deem fit and proper;

c) That pending the hearing and final disposal of the present petition, the Respondents be directed to maintain status-quo in respect of the subject flat being the Flat No. 107 in Ashirwad Building No. 1, situated in Pocket No. 3 of Ambedkar Nagar, MIDC, Andheri East, Mumbai - 400 093, on such terms as this Hon'ble Court may deem fit and proper;

2. We have heard learned counsel for the parties. At the outset, we may observe that the dispute in regard to the Flat No.107, Ashirwad building No.1, Pocket No.3, Ambedkar Nagar, MIDC, Andheri East, Mumbai-400093, is between Petitioner and Respondent No.6, who is the nephew of Petitioner.

3. It is the Petitioner's contention that he ought to have been put in possession by the Competent Officer of the MIDC, in respect of the said premises, and that the possession of the tenement was required to be accordingly handed over by M/s.Hub Town Limited to the Petitioner on the recommendation/record of the MIDC. It is the Petitioner's case that however Respondent No.6 is illegally put in possession of the said flat, although the entitlement as per the records of the MIDC is act of the Petitioner. It is submitted that to this effect a representation has been made by the Petitioner to the Competent Officer of the MIDC, however the same has not been considered and that possession of the tenement has not been taken and from Respondent No.6 and handed over to him. Hence the present Petition.

4. It is thus clear that the dispute as brought before the Court is fully a private dispute between the Petitioner and Respondent No.6 in regard to the entitlement to the tenement in question.

5. In these circumstances, and with all contentions of both the Petitioner and Respondent No. 6 on the rights they intend to assert being kept open, we are of the considered view, that the representation dated 18th February 2023 made by the Petitioner, stated to be supported by all relevant documents, ought to be decided by the Competent Officer of the MIDC. This becomes necessary more particularly in relation to determining entitlement of any of these parties to the tenement, as it was the responsibility of the MIDC at the relevant time to put the eligible person in possession. All this needs to be verified after hearing the Petitioner, Respondent No.6 as also the representative of the developer - M/s. Hubtown Limited - Respondent No.5 and decision in accordance with law is required to be taken on the basis of the original record available with the authorities/MIDC qua the original structure on the basis of which the person who would be required to be legally allotted the tenement.

6. We accordingly direct Competent Officer of MIDC to decide the Petitioner's representation as expeditiously as possible and in any event within a period of one month from the date a copy of this order is made available, strictly in accordance with law.

7. The parties are directed to appear before the said Officer at the first instance on 19th December 2025 at 3.00p.m. Thereafter, a suitable date can be given for the parties to be heard on the respective contentions.

8. Needless to observe that the Competent Officer of the MIDC shall take into consideration all the documents right from the inception on its record in relation to the said tenement.
9. We record the undertaking of Respondent No. 6 that he shall not in any manner threaten the Petitioner or resort to any actions contrary to law, failing which a very serious view of the matter would require to be taken, if such conduct is brought to the notice of the Court.
10. Petition stands disposed of in the aforesaid terms. No costs.
11. Let the matter be listed for compliance after 6 weeks i.e. on **21st January 2026.**

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)