

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1857 OF 2025

Shiv Premises Co-Operative Society Ltd
Through Its Secretary Arun L Rokade ...Petitioner
Versus
The State Of Maharashtra
Through Its Principal Secretary Housing
And Special Assistant ...Respondents

WITH
INTERIM APPLICATION (L) NO. 17147 OF 2025
IN
WRIT PETITION NO. 1857 OF 2025

Mr. Ashish Gabhale i/b Jay & Co. for Petitioner.
Mr. Himanshu Takke, AGP, for Respondent Nos. 1 and 2-State.
Mr. Akshay Shinde, AGP, for Respondent No. 3-MHADA.
Ms. P. M. Bhansali a/w Mr. Ajay Khaire & Tamanna Bafna for Respondent No. 4.

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

DATE: 30th JUNE 2025

P.C.

1. We have heard learned Counsel for the parties.
2. This petition, under Article 226 of the Constitution of India, was filed by the Petitioner primarily being aggrieved by the proposed action of the MMRDA in having an alignment of the Mumbai Metro Line-2B affecting the Petitioner's land. In such context, the Petitioner has *inter alia* prayed that the MMRDA shall grant to the Petitioner compensation under Right to Fair Compensation and Transparency

in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and with further consequential directions as the MHADA to the land belongs to the MHADA.

3. From the record, it is seen that this Petition was heard on the earlier several occasions. Lastly, it was heard on 24th June, 2025, when Mr. Hegade, learned Senior Counsel for the MMRDA, made a statement that the shops belonging to the Petitioner society, which earlier were apprehended to be disturbed, would not in any manner be disturbed and that such position can be placed on record.

4. In pursuance thereto, an affidavit of Mr. Rakesh Dhotre, Executive Engineer, MMRDA is placed on record in which in paragraph 2, the following statements are made to the effect that the shops of the Petitioner would not in any manner be affected and would not be required to be demolished for the Metro working question.

“2. I say that the Viaduct of Metro Line-2B passes over the M/s Shiv Premises CHSL at Nehru Nagar, Kurla(East). Out of 21 structures comprising the M/s Shiv Premises CHSL, only 7 structures are below the Metro Line-2B alignment. In order to avoid removal of shops, the metro piers have been rearranged at this location by introducing a special span of 46 meters (P693-P695), thereby ensuring that no metro pier infringes with the M/s Shiv Premises CHSL shops. The viaduct of Metro Line-2B will not occupy any physical space of M/s Shiv Premises CHSL plot but require airspace of about 100.180 Sqm. of area over 7 structures of M/s Shiv Premises CHSL. The metro viaduct girders will be erected above the M/s Shiv premises CHSL (7 Structures) at an elevation of about 9.0 mtr. from Ground level. The viaduct construction will be carried out in such a manner that it does not obstruct or require demolition of the shops situated below. In case of any unlikely damage during the Metro construction works to the shops below viaduct, the same will be repaired by MMRDA. Hereto annexed and marked as **Exhibit-AR1 (colly)** are drawings.”

5. The affidavit also annexes the typical drawing showing the vertical distance at the Petitioner's premises, which clearly indicates the clear position and affecting the shops in question held by the members of the Petitioner.

6. In this view of the matter, we are of the opinion that the grievance of the Petitioner would clearly not survive, considering the realignment of the pier positions of the Metro line by the MMRDA. It is stated by the learned Counsel for the MMRDA that such realignment was effected on the insistence of the Petitioner.

7. In the aforesaid circumstances, the Petition would not warrant further adjudication. Accepting such statement made on behalf of the MMRDA as noted herein above, we dispose of this petition.

8. We clarify that we have not delved on any other issues, and all contentions of the parties on any other issues are expressly kept open.

9. Disposed of. No costs.

10. In view of the above, the Interim Application, if any, does not survive and accordingly the same is disposed of.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)