

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

WRIT PETITION NO. 267 OF 2025

Nirmal Nagar Building No. 10 Co-Operative
Housing Society (Proposed) and Ors. ...Petitioners

Vs.

State of Maharashtra
Through Principal Secretary
Housing Department and Ors. ...Respondents

WITH

WRIT PETITION NO. 272 OF 2025

Nirmal Nagar Building No. 9 Co-Operative
Housing Society (Proposed) and Ors. ...Petitioners

Vs.

State of Maharashtra
Through Principal Secretary
Housing Department and Ors. ...Respondents

Mr. Yousuf khan a/w Mr. Prathamesh Hiwalkar i/b Khan & khan Law firm
for Petitioners.

Mr. Vishal Thadani, Addl. G.P. for the Respondent -State.

Ms. S.V. Tondwalkar i/b Ms. Komal Punjabi, Advocate for the BMC.

Mr. Kaustubh Patil, Advocate for Respondent No. 11.

Mr. Akshay Shinde, Advocate for MHADA.

CORAM: G. S. KULKARNI &
MANJUSHA DESHPANDE, JJ.

DATE: 20 AUGUST, 2025.

PC.

1. This Petition under Article 226 of the Constitution of India is filed
praying for the following reliefs.

*“[A] That, this Hon'ble Court in exercise of powers under
Article 226 of the Constitution of India, 1950 may be
pleased to quash and set aside the impugned 48 Hours
Notices dtd. 06.09.2024 issued by Respondent - MHADA
against the Petitioners by holding the same as illegal, null,
void, bad-in-law, perverse and in blatant violation of*

principles of natural justice;

[B] That this Hon'ble Court may please to issue writ of mandamus any appropriate Writ against the Respondent-MHADA directing Respondent-MHADA to hear afresh by conducting hearing and give opportunity to the Petitioners in respect of the said impugned Notices dtd.06.09.2024 under challenged;

[C] That this Hon'ble Court may please to issue writ of mandamus or any appropriate Writ against the Respondent-MHADA directing Respondent-MHADA to decide the REPRESENTATION dtd. 02.06.2024 and REPLIES dtd. 06.06.2024, 03.09.2024 & 07.09.2024 within a time bound period of 8 weeks and further this Hon'ble Court be pleased to restrain the Respondent-MHADA from taking any coercive action against the Petitioners by impugned Notices dtd.06.09.2024 which makes the REPRESENTATION dtd. 02.06.2024 and REPLIES dtd. 06.06.2024, 03.09.2024 & 07.09.2024 filed by this Petitioners before Respondents as redundant, meaningless, infructuous qua said MHADA Transit Camp Building;

[D]. That this Hon'ble Court may please to issue writ of mandamus or any appropriate Writ against the Respondent- MHADA directing Respondent-MHADA to initiate disciplinary action against Respondent No. 21 to 30 (MHADA EMPLOYEE/ EX-EMPLOYEE) by holding preliminary enquiry and by filing detailed report regarding their conduct before this Hon'ble Court and on perusal of the same this Hon'ble Court be pleased to urgent issue their Suspension/ Termination from their duty if this Hon'ble Court deems fit, appropriate and necessary;

[E]. That this Hon'ble Court may please to issue writ of mandamus or any appropriate Writ declaring Revised Offer Letter dtd. 02.06.2023 where Respondent-MHADA had illegally included MHADA TRANSIT CAMP BLDG NO. 9 AND 10 may please be declare as illegal, null, void ab-initio and further this Hon'ble Court be pleased to declare

that said Revised offer letter did. 02.06.2023 and other permissions are non-executable, unforceble and not binding upon Petitioners qua said Nirmal Nagar Transit Camp Buildings No.9.

(F) That this Hon'ble Court may please to issue writ of mandamus or any appropriate Writ seeking declaration that DCPR 33(5) is not applicable qua the Petitioners for Nirmal Nagar Transit Camp Buildings in light of Offer letter dtd. 02.06.2023 (EXHIBIT- E) issued to ABIL Buildcon Pvt Ltd. for Transit Camp situated at BHARAT NAGAR, BKC, Bandra (East)."

2. Even the companion Petition (Writ Petition No. 272 of 2025) has prayed for similar reliefs. Hence, we are not referring to the prayers as made in the said Petition.
3. We have heard learned counsel for the parties.
4. The grievance of the petitioner as urged in the petition concerned the redevelopment of the buildings in question and the issues surrounding thereto. The Nirmal Nagar Building Nos. 9 and 10 have been demolished in December 2024. The present petitions were filed prior to the demolition.
5. The buildings are being redeveloped by MHADA by appointing respondent no. 11- Developer, namely, *CRD Realtors Private Limited*. The contention as urged on behalf of the petitioners, is to the effect that many of these petitioners who were holding tenements in such buildings, as transit camps since the year 1971 (onwards) and whose entitlement for permanent alternate accommodation was not in dispute, need to be provided with either transit accommodation or transit rent. It appears that some of the members of the Petitioner-Society who were eligible have already accepted either transit tenements or transit rent.

6. The learned counsel for the Developer/respondent no. 11 has made a statement that about 39 persons have already executed agreement for the transit accommodation/transit rent. He states that respondent no. 11 is ready and willing to enter into similar agreements with those eligible persons, who have so far not entered into such agreements. We accept such statement as made on behalf of respondent no. 11.
7. Mr. Akshay Shinde, learned counsel for the MHADA also submits that such agreements need to be entered by respondent No.11 with such persons in the facts and circumstances. He states that these persons need to come forward and accept either transit accommodation or transit rent as may be provided by respondent no. 11. In this view of the matter, the issue in regard to the temporary alternate arrangement, which is to prevail during the completion of the redevelopment would stand redressed. This would be determined subject to the eligibility of those persons, if not already decided, in accordance with law, for a permanent alternate accommodation.
8. The petitioners however have grievances on issue of permanent alternate accommodation and the uncertainty which according to the petitioner is created on certain issues, namely, of the quantum of the area, the time limit within which the permanent alternate accommodation would be provided etc. We find that in regard to such grievances the petitioners in both these Petitions have not echoed their grievances in an appropriate manner, with the concerned officials of the MHADA, which is undertaking the development. Also the Developer is appointed by MHADA. Thus, clarity in regard to all such issues is required to be addressed by the MHADA on any representation the petitioners would intend to

make. In these circumstances, we are of the clear opinion, that in this regard, the petitioners need to make a comprehensive representation to the MHADA, on each of their grievances which be set out point-wise. Such representation be made to the Vice Chairman and Chief Executive Officer (CEO) of the Mumbai Building Repairs and Reconstruction Board (MBRRB), MHADA within a period of two weeks from today. Let the Vice Chairman and Chief Executive Officer (CEO) hear the petitioners as also the Developer on all the issues and pass a detailed/reasoned order, in accordance with law, so that all the grievances of the petitioners stand addressed. We keep open all the contentions of the petitioners and also the Developer in this regard. Let such order be passed within a period of four weeks from the date of receipt of such representation from the petitioners, after granting the petitioners an opportunity of being heard. Ordered accordingly.

9. We are informed by the learned counsel for respondent no. 11-Developer, on instructions, which are placed on record that the status of the project as on date is as under:

“1. Shore piling of rehabilitation building is complete.

2. Excavation upto 2nd basement of wing A of rehabilitation building is complete.

3. Construction of two basements of wing A of rehabilitation building is complete.

4. Plinth of A wing of rehabilitation building is complete.

5. Civil work above plinth level is in progress in A wing.

6. Shore piling and Major excavation of sale building upto 3 basement is complete.”

10. In this view of the matter, before the project proceeds further in respect of both these buildings, any grievances which would materially affect the project are required to be immediately taken into consideration, and need to be decided, so that an irreparable situation is not brought about affecting the rights of the eligible members of the petitioners.
11. In this view of the matter, further adjudication of the petition is not called for. Accepting the statement as made on behalf of respondent no. 11 and also on behalf of MHADA that all concerns of the petitioners on transit rent/transit accommodation shall be addressed, we dispose of both these Petitions in the aforesaid terms.
12. No costs.

(MANJUSHA DESHPANDE, J.)

(G. S. KULKARNI, J.)