

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

WRIT PETITION NO.1610 OF 2024

Laxmi Paper Graining, a partnership firm through its
authorised Partner Manjula PremjiNisar

Petitioner

Versus

The State of Maharashtra and others

Respondents

Ms.Deepali Bagla i/by Bagla & Associates for Petitioner.

Mr.Ashwin Kulkarni i/by Little & Co. for respondent no.7 MMRCL.

Mr.Pradeep Thorat with Ms.Kausar Banatwala i/by Tushar Goradia for Respondent
no.8.

Ms.Naxia Sheikh, AGP, for State.

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

DATE: 15th September 2025

P.C.

1. The present petition under Article 226 of the Constitution of India has
been filed praying for the following substantive reliefs :

a. That this Hon'ble Court be pleased to issue a Writ of Certiorari or any other appropriate Writ, order or direction in the nature of Certiorari calling for the records and proceedings in (i) Order dated 5th April 2019 passed by the Chief Officer/M.B.R. & R. Board, MHADA i.e. Respondent no.2 bearing Ref. no. R/NOC/Order/F-2631/2982/MBRRB-19 in an Appeal filed by the Petitioner herein ("Impugned Order – I"); (ii) Order dated 31st July 2019 passed by the Vice President & C.E.O, MHADA i.e. Respondent no. 2 bearing Ref no. R/NOC/Order/F-2361/6469/MBRRB-19 in an Appeal filed by the Petitioner herein ("Impugned Order - II") and (iii) Order dated 2nd November 2023 passed by the Hon'ble Additional Chief Secretary, Housing Department, Government of Maharashtra i.e. the Respondent no. 1 herein in Appeal no. 03 of 2019 filed by the Petitioner herein ("Impugned Order - III") and after examining the

propriety, validity and legality thereof be pleased to quash and set aside the Impugned Orders passed by the Respondent no.2, 5 and 6 herein;

b. That this Hon'ble Court be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction in the nature of Mandamus calling for the records and proceedings in respect of Letter dated 2nd August 2018 passed by the Executive Engineer/ D-1 Division, M.B.R.& R. Board along with the List of existing Tenants/ Occupants ("Impugned Letter") and after examining the propriety, validity and legality thereof be pleased to issue a revised Certified list of Tenant/Occupants reflecting the name of the Petitioner as eligible tenant in respect of shop no. 1(A) with loft for a total area admeasuring 125.088 sq. mtrs built up area (Ground floor premises - 63.324 sq. mtrs. and Loft - 61.764 sq. mtrs);

c. That this Hon'ble Court be pleased to issue Writ of Mandamus or any other appropriate Writ, order or direction in the nature of Mandamus directing the Respondent no. 7 to cancel the earlier Provisional Agreement for Permanent Alternate Accommodation dated 16th October, 2018 in respect of shop no. 2 and to enter into a new Agreement for Permanent Alternate Accommodation with the Petitioner herein in respect of original shop no. I(A) admeasuring 125.088 sq. mtrs built up area (Ground floor premises - 63.324 sq. mtrs. and Loft - 61.764 sq. mtrs) together with additional 35% of the original area;

d. That this Hon'ble Court be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction in the nature of Mandamus directing the Respondent no. 7 to pay the Petitioner the transit rent along with interest in accordance with the area occupied originally in shop no.1 (A) from August 2018 till date;

e. That pending the hearing and final disposal of this Writ Petition, this Hon'ble Court be pleased to call for an enquiry and stay the further implementation and/or operation and restrain the Respondents by itself, its members, servants, and/or agents from in any manner whatsoever acting in furtherance of the Impugned Letter dated 2nd August 2018 along with the Certified list of Tenants/Occupant and the Impugned Orders dated 5th April 2019, 31st July 2019 and 2nd November 2023 in respect of shop no.1/shop no.1 (A);

2. The primary grievance of the Petitioner in the present petition is that the order dated 5th April 2019 passed by the Chief Officer, Mumbai Building

Repairs and Reconstruction Board, order dated 31st July 2019 passed by Vice President & CEO, MHADA and order dated 2nd November 2023 passed by Additional Chief Secretary, Housing Department, Government of Maharashtra (hereinafter referred to collectively as impugned orders) are arbitrary as they are passed without considering the general contentions as raised by the Petitioner before the aforesaid authorities

3. It is the case of the Petitioner that the Petitioner is deprived of the lawful occupation of Shop No.1A owing to the interest exercised by Respondent no.8 allegedly in connivance with Respondent no.10 and Respondent no.2 to 7. It is contended that the impugned orders passed by Respondent no.2 to 7, of certified list of tenants is contrary to and in complete violation of Development Control Regulations ('DCR'), and more particularly DCR 33(7) read with Appendix-III to the DCR, 1991. The Petitioner has also assailed the findings in the impugned orders on the ground that Petitioner had submitted documents before the Respondents showing the Petitioner's occupation of Shop No.1A, however, all such materials are not considered by the Respondents and simpliciter been dismissed without recording any reasons or any findings in respect thereof.

4. It is a settled principle of law that quasi judicial orders need to assign reasons on materials and submissions which are urged before such authorities as this would indicate a conscious application of mind in dealing with the legal rights of the parties.

5. The Petitioner has pointed out that the impugned orders are merely standard orders passed by the authorities without assigning any reasons or

recording any findings on the grievances raised by the Petitioner and without appreciating the documents placed on record by the Petitioner.

6. In the case of **Siemens Engineering and Manufacturing Co. of India Vs. Union of India and another**¹ the Apex Court has held “*that where an authority makes an order in exercise of a quasi judicial functions, it must record its reason in the order it makes. Every quasi judicial order must be supported by reasons. Also that if courts of law are to be replaced with administrative authorities and tribunal, as indeed, in some kind of cases, with the the proliferation of Administrative Law, they may have so to be replaced, it is essential that administrative authorities and tribunals should accord fair and proper hearing to the persons sought to be affected by their orders and give sufficiently clear and explicit reasons in support of the orders made by them. Then alone administrative authorities and tribunals exercising quasi judicial function will be able to justify their existence and carry credibility with the people by inspiring confidence in the adjudicatory process. The rule requiring reasons to be given in support of an order is, like the principle of audi alteram partem, a basic principle of natural justice which must inform every quasi judicial process and this rule must be observed in its proper spirit and mere pretense of compliance with it would not satisfy the requirement of law.*”

7. In view of the aforesaid settled principles of law and on a perusal of the impugned orders we pass the following order which will meet the ends of justice.

ORDER

(i) The impugned orders are hereby quashed and set aside

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- (ii) The proceedings stand remanded to the Respondent no.5 who shall hear the appeal filed by the Petitioner afresh and decide the same by an appropriate reasoned order dealing with all the contentions raised by the Petitioner before Respondent no.5;
- (iii) The Petitioner is allowed to file further documents, if any, in support of its contentions, before Respondent no.5;
- (iv) We further direct the Respondent no.5 to hear the Petitioner's appeal as expeditiously as possible and preferably within a period of six weeks from the date a copy of this order is made available to Respondent no.5 by the Petitioner;
- (v) All contentions of the parties are expressly kept open;
- (vi) The Writ Petition is disposed of in the above terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)