

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.8452 OF 2025

Jaibunisa Ikbal Shaikh & Ors.

... Petitioners.

V/s.

Maharashtra Housing Area Development
Authority & Ors.

... Respondents.

Mr. Sunip Sen, Senior Advocate, a/w Mr. Nishant Chothani, Mr. Manan Jaiswal and Ms. Niyati Shah, i/by MLS Vani & Associates for the Petitioners.
Ms. Aparna Kalathil, a/w Adv. Sayali Apte, i/by Adv. P.G. Lad for Respondent Nos.1 and 2-MHADA.

Mr. Akash Rebello (through VC), a/w Mr. Vivek Shukla and Mr. Rajkumar Awasthi for Respondent Nos.3 to 6.

Mr. S.U. Kamdar, Senior Advocate, a/w Mr. Aditya Manjrekar, i/by Adv. Aditya Manjrekar for Respondent No.7.

Mr. Sudhir Patil, Deputy Engineer, 'E' Ward, present.

**CORAM : KAMAL KHATA AND
ARIF S. DOCTOR, JJ.
(VACATION COURT)**

DATE : 13th May 2025.

P.C.:-

1) By this Petition, Petitioners seek the following relief:

“(a) that this Hon’ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction to initiate proceedings under Section 95A forthwith and directing Respondent No.1 to issue such orders and directions and take such steps as may be necessary under Section 95A of the MHADA Act to ensure

summary vacation of Respondents No.3 to 6 from their structure over land bearing C.S. Nos.94 and 95 situate, lying and being at Belvedere Hill Road (Hutatma Dattaram Koynde Marg), Hussain Patel Marg, Mazgaon, Mumbai-400 010 within such time as this Hon'ble Court may deem fit to fit and on such terms as the Respondent No.1 may deem fit.”

2) Mr. Kamdar, learned Senior Advocate appearing on behalf of Respondent No.7 submits that, there is a composite scheme where redevelopment has to be carried out. He has registered conveyance in his favour though it is under challenge before the High Court in Suit No.175 of 2024. That cannot be the ground based on which the Respondent Nos.3 to 6 can thwart the action of MHADA.

3) Mr. Rebello, learned Advocate appearing on behalf of Respondent Nos.3 to 6 submits that, he has no objection if Respondent No.1 MHADA, issues notice and gives the Respondent Nos.3 to 6 a hearing and permits them to present their case in terms of the Order dated 13th September, 2024 read with Order dated 10th October, 2024.

4) Ms. Aparna Kalathil, learned Advocate appearing on behalf of Respondent Nos.1 and 2-MHADA on instructions states that MHADA will issue notice to the Respondent Nos.3 to 6, a hearing will be afforded to them and the proceedings be concluded within a period of four weeks and the decision on the same shall be taken and communicated to the Respondent Nos.3 to 6 within a period of two weeks after the hearing.

5) Petition is disposed off in the aforesaid terms with no order as to costs.

6) In the event, the Order passed by MHADA is adverse to the said Respondent Nos.3 to 6, it will not be effected for a period of one week thereafter.

(ARIF S. DOCTOR, J.)

(KAMAL KHATA, J.)

Note: This order is modified as per Speaking to the Minutes of Order dated 3rd July 2025.