LAXMI SUBHASH SONTAKKE

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

WRIT PETITION NO. 2554 OF 2025

Dinanath Ramchandra Naik & Anr. ...Petitioners

Versus

Maharashtra Housing and Area Development Authority & Ors. ...Respondents

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Mr. Chirag Mody a/w Rahul Tiwari & Arbind Tiwari for Petitioner.

Mr. P. G. Lad for Respondent No.1.

Mr. Bhavin Gada a/w Hitesh Solanki i/b. Hitesh & Associates for Respondent No.2.

Ms. Neha Bane, Exe. Engineer is present.

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

DATE: 12th NOVEMBER 2025

P.C.

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

> "i. That this Hon'ble Court be pleased to issue a Writ of Mandamus or any other appropriate Writ order or direction in the nature thereof, declaring that the redevelopment process initiated under Regulation 33(9) of the DCPR, 2034 is illegal, arbitrary, and in violation of the prescribed statutory procedures;
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> ii. That this Hon'ble Court be pleased to issue a Writ of Mandamus or any other appropriate Writ order or direction in the nature thereof, directing Respondents that the redevelopment process be reverted to its lawful course by mandating strict compliance with all statutory requirements;
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> iii. That pending the hearing and final disposal of this Petition the Hon'ble Court be pleased to issue an immediate and perpetual injunction restraining Respondents from proceeding further with the illegal cluster redevelopment process;

iv. For Interim and Ad Interim relief in prayer (iii);

v. Issue any other appropriate writ, order or direction as the nature and circumstances of the present case may require."

2. The Petitioners are the tenants of a building which is stated to be a subject matter of the cluster development. The Petitioners are the tenant of the old building known as "Indraprasth", who are concerned for other 34 tenants. The present Petition has been filed raising grievances that, in respect of the cluster development being undertaken, the Petitioners have not been taken into confidence and have not been informed about the Permanent Alternate Accommodation proposed to be allotted to them under the redevelopment scheme. The Petitioners have further contended that they do not recognize Respondent No.3 – Indraprasth Bhadekaru Sangh, which, according to them, is not a registered body, and yet is purporting to take steps and decisions in relation to the cluster development. Respondent No.2 is a developer who has been appointed and is represented by Mr. Gada.

3. Having heard the learned Counsel for the parties, we accept the contention as urged by Mr. Gada, learned Counsel for Respondent No.2, that all the apprehensions and concerns of the Petitioners can be appropriately addressed, and that the Petitioners shall be included in the ongoing cluster redevelopment scheme. Mr. Gada further submits that, in the event the Petitioners remain dissatisfied, the matter may be placed before the Vice President and Chief Executive Officer, MHADA, who may take an appropriate decision on the grievances of the Petitioners. He further submits that necessary steps shall be taken to resolve all issues and apprehensions of the Petitioners within a period of two weeks from today.

4. Mr. Mody, learned Counsel appearing for the Petitioners, states that he is not averse to the contention as urged on behalf of Respondent No.2 and submits that, without prejudice to the rights and contentions of the Petitioners, an amicable resolution of the dispute can be brought about. He further submits that, in the

event the grievances of the Petitioners are not redressed, the Vice President and Chief Executive Officer, MHADA, may be directed to decide the Petitioners' grievances, including the subject matter of the representation dated 20th March 2025.

5. In the aforesaid circumstances, and considering that the Petitioners are 36 in number, who are also part of the cluster development, we are of the opinion that, in the interest of justice, the Petition be disposed of in terms of the following order:-

i. The statement made on behalf of Respondent No.2 that all the apprehensions/issues as raised by the Petitioners would be considered and decided within a period of two weeks, stands accepted.

ii. In the event, the disputes are not resolved to the satisfaction of the Petitioners, the Vice President and Chief Executive Officer, MHADA is directed to decide the Petitioners' representation dated 20th March 2025, in accordance with law, and after hearing all the stakeholders.

iii. Petition stands disposed of in the aforesaid terms.

iv. All contentions of the parties are expressly kept open.

(AARTI SATHE, J.) (G. S. KULKARNI, J.)