

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2602 OF 2025
WITH
INTERIM APPLICATION NO.4082 OF 2025
IN
WRIT PETITION NO. 2602 OF 2025

Zahir Shah M. Ansari

...Petitioner

Versus

State Of Maharashtra Through Office Of
The Government Pleader

...Respondents

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Mr. Jitendra B. Mishra a/w. Mr. Rupesh Dubey a/w. Ms. Nilu Mishra, for
Petitioner.

Ms. Rita Joshi, AGP for Respondent -State.

Mr. Akshay P. Shinde, for Respondent No. 4 & 5.

Mr. Chandra Naik a/w. Ms. Bhavna N., for Respondent No.6.

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

DATE: 18th September 2025

P.C.

1. We have heard the learned Counsel for the parties for some time.
2. The grievance of the Petitioner is that by an order dated 23rd July 2024 passed under Section 91A of the of MHADA Act, the NOC which was granted in favour of the Developer-Respondent No.6 was cancelled. However, what is brought to our notice is that the same officer without any notice to the Petitioner, who was the complainant, on whose complaint the order dated 20th August 2024

was passed, has exercised suo motu review powers and then set aside the cancellation order dated 20th August 2024.

3. Mr. Shinde, learned Counsel for MHADA would have to explain the position as to whether any powers of review had been conferred to the Chief Officer of the Mumbai Building Repairs and Reconstruction Board when he exercised the powers under Section 91A of the MHADA Act and in cancellation of such NOC. In the aforesaid circumstances and in our opinion, as the Respondents are heard, we are inclined to grant ad-interim stay to the order dated 22nd October, 2024 as *prima facie* it appears that the same has been passed without any jurisdiction of any review and as also without hearing the Petitioners on whose complaint the original order dated 20th August 2024 was passed.

4. Let reply affidavit to the Petition be placed on record.

5. Parties shall be heard.

6. Stand over to 6th October 2025 (HOB).

7. The Intervention Application, if any filed, be listed along with the Petition.

8. All contentions on merits as sought to be urged on behalf of Respondent No.6 are expressly kept open.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)