

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

WRIT PETITION NO. 2602 OF 2025

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Zahir Shah M. Ansari & Anr.

...Petitioners

Versus

State of Maharashtra & Ors.

...Respondents

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

Ms. Pushpa Yadav i/b. Komal Punjabi for BMC

Mr. Akshay P. Shinde for Respondent Nos. 4 and 5.

Adv. Chandra Naik a/w Bhavna Nirban for Respondent No.6.

Mr. Mayur Khandeparkar a/w Dharmesh Joshi, T.D. Joshi & Associates for
Respondent No.7.

Mr. Vikram Jadhav, S.E.(BF) 'E' Ward.

Ms. Rita Joshi, AGP for the State.

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

DATE: 13th OCTOBER 2025

P.C.

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

“(a) this Hon’ble Court be pleased to issue a Writ of
mandamus or any other appropriate writ, direction and order,
thereby directing the Respondent No.4 to Revoke the order
dated 22.10.2024 and restore the cancellation of NOCs dated
20.08.2024.

b)this Hon’ble Court be pleased to issue a Writ of mandamus
or any other appropriate writ directing the Respondent No. 4
to take appropriate steps to acquire and complete the

redevelopment project of Allarakhia Building situated at 586 - 598 Bapurao Jagtap Marg, Saath Rastha, Mumbai 400011.

(c) this Hon'ble Court be pleased to direct the Respondent Nos. 1 to 5 to conduct joint enquiry in respect of complaints against the Respondent No. 6 committing several illegalities, irregularities, including illegal and unauthorized construction/demolition in respect of redevelopment project of Allarakhia Building situated at 586 598 Bapurao Jagtap Marg, Saath Rastha, Mumbai 400011 and to take action in accordance with law.

(d) that this Hon'ble Court be pleased to issue a Writ of mandamus or any other appropriate writ directing the Respondent No. 6 to immediately make payment of arrears of temporary alternate accommodation to the Petitioners;

(e) pending the hearing and final disposal of the petition, the Hon'ble Court be pleased to stay the Order dated 22.12.2024 passed by the Respondent No. 4.

(f) Pending the hearing and final disposal of the petition, the Respondent Nos. 2 and 3 be restrained by an order and injunction to modify the sanctioned plan without knowledge, consent and permission of the tenants/occupants of said Allarekha Building and/or newly developed building thereon.

(g) Pending the hearing and final disposal of the petition, the Respondent No. 6 be directed to pay the monthly compensation towards temporary alternate accommodation to the Petitioners.

(h) for ad-interim reliefs in terms of prayer clause (e) to (g) during the pendency of this petition;

(i) for costs of this Petition;"

2. It appears that there is some dispute in regard to the Petitioners' occupation in respect of the tenement in question as it is the contention of Respondent No.6 that the original tenant of the said tenement was the deceased father of Petitioner No.1. It is contended that the mother of Petitioner No.1 has been granted 3 tenements. The Petitioner No.1 appears to have received the possession of the tenements from his mother. He has several grievances against MHADA as also the Municipal Corporation in regard to the construction.

3. The learned Counsel for Respondent No.6-mother submits that the Petitioners have no locus to maintain such grievances.
4. It appears that there are disputes inter-se between the family members. However, these are not the proceedings in which we can decide any *inter-se* rights of the Petitioner and his mother as also any issue under any family settlement.
5. Any complaints which are made before the authority are pending, let the same be decided in accordance with law, as expeditiously as possible, preferably within a period of six weeks from today. All contentions in that regard are expressly kept open including the contentions of private Respondents that the Petitioners have no locus to maintain such grievances.
6. The Petition is disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)