

Prajakta Vartak

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

WRIT PETITION NO. 2648 OF 2025

Shobha Shantaram Sonawanekar & Ors.

...Petitioners

Vs.

The State of Maharashtra & Ors.

...Respondents

Mr. Asim Naphade with Mr. Sahil Salvi and Mr. Omar Khaiyam Shaikh for
Petitioners.

Ms. Rita Joshi, AGP for State/Respondent No.1 (through VC).

Ms. Sayali Apte i/b. Mr. P. G. Lad for Respondent No.2.

Mr. Nadim M. i/b. Mr. Rajendra Rathod for Respondent No.3.

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

DATE: 01 OCTOBER 2025.

P.C.

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

- “a) To admit the present Writ Petition and issue Rule;
- (b) To issue writ of mandamus or any other writ in the nature of mandamus order or direction against the MBR & R Board/Respondent No.2, to forthwith implement the Notice dated 12th May 2023 u/s 91-A of the MHAD Act, 1976 being Exhibit - I to the present Writ Petition;
- (c) To issue writ of mandamus or any other writ in the nature of mandamus order or direction against State Government/Respondent No.1 to process the acquisition proceedings within 3 months from the date of receipt of proposal from MBR & R Board.
- (d) To issue writ of mandamus or any other writ in the nature of mandamus order or direction against MBR & R Board/Respondent No.2 to cancel the NOC dated 24th July 2009 and all subsequent NOCs issued by the MBR & R Board/Respondent No.2 in favour of the developer.”

2. It appears to be an admitted position that N.O.C. as granted in favour of respondent no.3 by an order dated 12 December 2024 passed by the Chief Officer of Maharashtra Housing and Area Development Authority (MHADA),

has already been cancelled. It also appears that there is no challenge to this order and any subsequent actions of MHADA in any substantive proceedings.

3. In this view of the matter, respondent no.3 is precluded from creating any third party rights whatsoever. Accordingly, respondent no.3 shall not create any third party rights as respondent no.3 is no more the NOC holder. Learned counsel for respondent no.3 has no instructions, however, in the event respondent no.3 is aggrieved by such cancellation of NOC, all contentions of the parties in that regard are expressly kept open, including the remedy of respondent no.3 to file appropriate proceedings.

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

5. Thus, further adjudication of the petition is not called for. It is accordingly disposed of. No costs.

6. We also clarify that we have not delved on the merits of the rival contentions in regard to the status of the project as to what extent the project has been completed by respondent no.3 and what is the stage of the project as on date.

7. At this stage, we are informed that the MHADA's proposal under Section 91(A) of the Maharashtra Housing and Area Development Act, 1976 is pending with the State Government. Let a decision on the said proposal be taken in accordance with law as expeditiously as possible and in any event within a period of two months from today.

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

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)