

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2765 OF 2025

Shivanand Krishna Dalvi	...Petitioner
Versus	
Mumbai Building Repairs And Reconstruction Board	...Respondent

Mr. Gauraj Shah i/b. Ms. Sneha Nagaonkar, for Petitioner.
Ms. Sayali Apte i/b. Mr. P.G.Lad, for Respondent/MHADA.

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

DATE: 24th September 2025

P.C.

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

a) This Hon'ble Court be pleased to issue writ of mandamus, or any other writ, direction in the nature of mandamus thereby directing the Respondent to forthwith hand over to the Petitioner, the possession of a Room in reconstructed building in lieu of Room No.76, 31 Badami Bohri Chawl, Gas Company Lane, Godrej Compound, Lalbaug, Mumbai 400 012

(b) This Petition be finally allowed with costs;

(c) Cost of this Petition be provided for.

(d) Such other just, proper and equitable order in the facts and circumstances of the case be kindly passed in favour of the Petitioner;

2. It appears that there is a dispute between the Petitioner, his sister and brother. However they are not parties to this Petition. In such context in regard to

the allotment of permanent alternate accommodation, rival claims, either of the Petitioner or his siblings will be taken into consideration. In the light of communication dated 30 December 2017, issued by the Deputy Chief Officer, Mumbai Building Reconstruction Board, we direct that all the parties be heard and appropriate decision be taken by the concerned Officer in regard to the allotment of the flat to the appropriate person. Needless to observe that if there is an inter se dispute, the officer is entitled to pass an appropriate order, thereby relegating the parties to file a Civil Suit. In the proceedings of such a civil suit, any order obtained by any one of the siblings be considered to put the appropriate person in possession as the Court may order. All contentions in that regard are expressly kept open.

3. We direct MHADA to hear all the parties on 15th October 2025, at 3.00p.m. and pass appropriate orders.
4. Petition is disposed of in aforesaid terms.
5. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)