

Prajakta Vartak

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

WRIT PETITION NO. 3110 OF 2025

Fatima Ahmed Mulla & Ors.

...Petitioners

Vs

Maharashtra Housing and Area  
Development Authority & Ors.

...Respondents

Mr. Dilip Shukla with Ms. Sujata Bule for Petitioners.  
Mr. P. G. Lad for MHADA.

CORAM: G. S. KULKARNI &  
AARTI SATHE, JJ.  
DATE: 09 SEPTEMBER 2025.

P.C.

1. This writ petition is filed by the landlords praying that the impugned notice dated 29 October 2024 issued to the petitioners by respondent no.3 under Section 79-A of the Maharashtra Housing and Area Development Act, 1976 be quashed and set aside.

2. Mr. Lad, learned counsel for MHADA would submit that insofar as the notices which are issued prior to 03 April 2025 i.e. such notices being issued prior to the decision of this Court in **Vimalnath Shelters Pvt. Ltd. & Ors. vs. State of Maharashtra & Ors.**<sup>1</sup> are kept in abeyance as informed to the Court in the proceedings of **Javed Abdul Rahim Attar & Ors. vs. The Maharashtra Housing & Area Development Authority & Ors.**<sup>2</sup>. We accept the statement that the impugned notice in the present case is accordingly kept in abeyance. We are also

<sup>1</sup> 2025 SCC OnLine Bom 1109, [W.P. (O.S.) No. 477 of 2025]

<sup>2</sup> W.P.L. (O.S.) No. 34771 of 2024

informed that the decision of this Court in **Javed Abdul Rahim Attar & Ors.** (supra), **Vimalnath Shelters Pvt. Ltd.** (supra) and **Pramod Vishwanath Saraf & Ors. vs. The State of Maharashtra & Ors.**<sup>3</sup> are assailed by the MHADA before the Supreme Court, and such proceedings are pending.

3. Mr. Lad has also brought to our notice a communication dated 09 July 2024 (Exhibit-C, page 58 of the petition) addressed to the petitioners as also the tenants/occupants of the building in question whereby they are called upon to pay excess amount of Rs.40,66,288/- which is statutorily required to be paid by these persons.

4. Mr. Shukla, learned counsel for the petitioners has fairly stated that although the building has 65 tenants, the petitioners in their capacity as the landlords are ready and willing to deposit 50% of the amount within two days from today. Insofar as the balance amount is concerned, the tenants would be required to pay the same immediately. The tenants have formed the association namely Chandan Mansion Tenant Association (respondent no.4). The tenants cannot take a position that they would occupy the premises and would not pay the excess amount so as to undertake repairs. Accordingly, the tenants would be required to deposit the balance amount with the MHADA.

5. The present order be informed by the petitioners to the association who is yet to be represented in the present petition, as none appears for them, we issue notice to respondent no.4, returnable on **23 September 2025 (H.O.B.)**. The

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**3** W.P.L. (O.S.) No. 19558 of 2025

petitioners are permitted to serve respondent no.4 by private service by all permissible modes and place on record an affidavit of service.

6. In the event despite service of notice respondent no.4 is not represented on the adjourned date of hearing, the Court shall proceed to hear the parties as appearing and pass appropriate orders.

7. Mr. Lad, on instructions, submits that the building is in dilapidated condition. We order that the occupants of the said building may continue to occupy their respective tenements at their own risk and consequences and shall not hold the respondents and/or any other third parties liable for any civil or criminal action, in the event of any untoward incident of collapse of the building.

8. Compliance in regard to the deposit of excess amount be informed to the Court on the adjourned date of hearing.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)