

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

WRIT PETITION (L) NO.20907 OF 2025

Karanjia Bliss Tenant Association (Proposed) .. Petitioner
Vs.
Maharashtra housing and Area Development
Authority (MHADA) & Ors. .. Respondents

.....
Mr. Aseem Naphade i/b. Mr. Rajendra Rathod, advocate for the petitioner.

Ms. Rutuja Bodake i/b. Ms. Komal Punjabi, advocate for respondent nos.3 and 4 – BMC.

Mr. P.G. Lad a/w. Ms. Sayali Apte, advocate for respondent nos.5 & 6– MHADA.

Mr. Akash Rebello a/w. Mr. Shobit Shukla, advocate for respondent nos.8 to 16.for the Respondents.

.....
CORAM : G.S. KULKARNI &
MANJUSHA DESHPANDE, JJ.

DATE : 22nd AUGUST 2025.

P.C. :

We have heard the learned counsel for the parties on this petition, which is filed only for substantive reliefs, which read thus:

- “a) That this Hon'ble Court be pleased to issue a writ of Mandamus an or any other appropriate writ order and direction for carrying out the verification / Survey to Respondent nos. 5 & 6 and after surveying / verification of the tenants, Respondent Nos. 1 to 6 be ordered and directed to issue N O C in favour of Respondent No. 7 for redevelopment of the building known as Karanjia Bliss Tenant Association at C.S. No.139, Girgaon Division, Survey No. 11, Plot No. 379-79, M.S. Ali Road, Grant Road, Mumbai 400 007;
- (b) Pending the hearing and final disposal of the present Writ Petition this Hon'ble Court be pleased to order and direct the Respondent

Nos. 5 and 6 to immediately take necessary steps for carrying out survey / verification for redevelopment of the building known as Karanjia Bliss Tenant Association at C.S. No.139, Girgaon Division, Survey No. 11, Plot No. 379-79, M.S. Ali Road, Grant Road, Mumbai – 400 007;”

2. At the outset, Mr. Lad, the learned counsel for the MHADA, has informed the Court that a notice dated 13th July, 2023 issued by the MHADA under Section 79–A of the Maharashtra Housing Development Act, 1976 (hereinafter referred to as “MHADA”, for short) has been cancelled/withdrawn, which fact has been communicated to the parties *vide* a letter dated 14th July, 2025 issued by the Executive Engineer D–2 Division, Mumbai Building Reconstruction and Rehabilitation Board. A copy of the same is placed on record at page 7 of the compilation tendered by Mr. Lad.

3. Mr. Rebello, learned counsel for the added respondents (landlords), has taken a categorical position on behalf of his clients which is to the effect that the landlords are desirous of undertaking redevelopment, as admittedly the building requires redevelopment, which is also the case of the petitioner tenants. He, however, submits that the contention of the petitioners that they would be entitled to undertake development by appointing respondent no.7 is wholly misconceived and contrary to law, as the rights of the landlords in no manner whatsoever stand extinguished or superseded merely because the tenants/petitioners intent to undertake redevelopment. He submits that this is not a case which would fall within the parameters of Section 79–A, wherein a Section 354 notice was issued, and further steps, were to be taken strictly in

accordance with Section 79–A. He points out that in fact Section 79–A notice itself has been cancelled, and thus, the legal position as on date is that respondent nos.8 to 16, being the landlords are eminently entitled to undertake the redevelopment by appointing a developer. The tenants, who have only limited rights in regard to their tenements, are required to make way for the redevelopment and would be entitled to alternate premises on terms and conditions with their respective tenements as on date.

4. Considering the facts of the case, we find merit in the submissions urged by Mr. Rebello. At this stage, we cannot recognize any rights of the tenants to undertake redevelopment in the facts and circumstances. Mr. Rebello, on instructions, submits that by a letter dated 22nd July, 2025, his clients have already requested NOCs and documents from the eligible occupants/tenants so that a proposal can be submitted to the MHADA for redevelopment of the building. It is in the interest of the tenants/occupants that a response to such letter be furnished to the landlords (respondent nos.8 to 16) within a period of 15 days from today. In the event any tenant has not received such letter, it will be for the petitioner–association to obtain such approvals/NOCs from its eligible members. We also permit the landlords to submit their redevelopment proposals to MHADA, and in that regard, all rights and contentions of the parties are expressly kept open.

5. In the meantime, the petitioners/occupants of the building shall

continue to occupy their respective tenements at their own risk and consequences and shall not hold MHADA, the Municipal Corporation, landlord or any other Authority responsible in the event of any untoward incident such as a collapse, which shall also be liable for any civil or criminal consequences to any third parties.

6. However, all contentions of the petitioners in the redevelopment now proposed to be undertaken by the landlords are kept open. We also record that the Power of Attorney issued by the landlords in favour of Mr.Premeel Damji Shah has now been verified by the petitioners, as a copy of the same was also furnished to the learned advocate appearing for the petitioners. In any event, even if the landlords are represented by a Power of Attorney, there is no impediment whatsoever in law for them to do so.

7. In this view of the matter, we are not inclined to entertain this petition. It is accordingly rejected. No costs.

[MANJUSHA DESHPANDE, J.]

[G.S. KULKARNI, J.]