

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1783 OF 2024

Bhagwati Gordhandas & Anr.

...Petitioners

Versus

Mumbai Building Repair & Reconstruction

Board (MHADA) & Ors.

...Respondents

WITH

INTERIM APPLICATION NO. 2869 OF 2025

IN

WRIT PETITION NO. 1783 OF 2024

Mr. Surel Shah, Sr. Adv. i/b Rushikesh Kekane for Petitioner.

Mr. Ranjit Thorat, Sr. Adv. a/w Mr. Yashodeep Deshmukh, Ms. Pratibha S. i/b Babita Kesharwani for Applicant in IA No.2869 of 2025 and for Respondent No.4 in WP No. 1783 of 2024.

Mr. P. G. Lad a/w Ms. Sayali Apte for MHADA, Respondent No.1.

Ms. Rupali Adhate i/b Ms. Komal Punjabi for BMC – Respondent Nos.2 & 3.

Ms. Akanksha Patil a/w Ms. Purva Pendurkar i/b Narayanan and Narayanan for Respondent No.7, 8, 10, 13, 16, 21, 22, 23, 27, 28, 32, 34, 35, 41 to 44, 46 to 48, 51, 54, 56 and 61.

Mr. Reshant Shah a/w Ms. Maithili Gala i/b Lex Conseiller for Respondent No.41 – Ketan Mehta.

CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.

DATE: 15 JULY 2025

P.C.

1. Mr. Lad, learned counsel for the MHADA seeks time to file affidavit. Considering the orders passed by this Court in the context of Section 79-A in Writ Petition (L) No.34771 of 2024 as also Writ Petition (L) No.19558 of 2025, *prima facie*, we are of the opinion that in issuing the impugned notice under Section 79-A, in the present case, the basic jurisdictional requirement under sub-section-(1), was absent, inasmuch as, as pointed out by Mr. Surel Shah, learned senior counsel

for the petitioner that neither notice under Section 354 of the Mumbai Municipal Corporation Act, nor a declaration by the Competent Authority that the building is dilapidated exist, and completely overlooking such basic requirements which the law would mandate, the impugned notice has been issued.

2. We are accordingly inclined to continue the ad-interim orders which were passed earlier which are in a nature of a stay to the further actions to be taken under Section 79-A.

3. Needless to observe that the occupants of the building shall continue to occupy the premises at their own risk and consequences.

4. List the present petition along with Writ Petition (L) No.34771 of 2024 which is scheduled to be listed on **17 July 2025**.

5. At this stage, we are informed by Mr. Surel Shah, learned senior counsel for the petitioner that respondent No. 4 has purchased the property in question and there is no objection by the petitioner for permitting respondent No.4 to be transposed as petitioner. We accept the prayer.

6. Accordingly, leave to amend. Let the amendment be carried out by tomorrow. Amended copy of the petition be served on all parties. Reverification is dispensed with.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)