IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.923 OF 2026

Taranjeet Singh Sawan Singh Arora & Ors — Appellants

Versus

Maharashtra Housing Area Development Authority Thr. Chief Officer — Respondent

WITH
APPEAL FROM ORDER NO.916 OF 2026

Tulsi Singh Pakhar Heera — Appellant

Versus

Maharashtra Housing Area Development Authority Thr. Its Executive Engineer — Respondent

PRIYANKA MADHAVRAO KALE
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Date: 2026.10.14 17:58:43 +0530

Adv. Sumeet Jalgaonkar for the Appellants.

Adv. P.G. Lad a/w Adv. Satyajeet Dighe, Adv. Muralidharan K. for the Respondent-MHADA.

Mr. Nitin Shinde, Executive Engineer (MHADA), Present.

CORAM: AARTI SATHE, J.

DATE: 14th October 2026.

P.C.

1. These two Appeals from Orders have been filed under Order XLIII, Rule 1(r) read with Section 104 of the Civil Procedure Code, 1908 (hereinafter referrd to as 'CPC') and arise in respect of the common issue regarding the Notices

issued by the Maharashtra Housing and Area Development Authority (hereinafter referred to as 'MHADA') to the Appellants to vacate the suit premises. By way of the impugned Orders passed by the City Civil Court, Mumbai (hereinafter referred to as 'the Trial Court') dated 22nd July 2026 and 20th July 2026 in the aforesaid Appeals from Order in Notice of Motion No. 3697 of 2026 in L. C. Suit No. 1530 of 2026 and Notice of Motion No. 3136 of 2026 in L. C. Suit No. 1306 of 2026, respectively, the Trial Court dismissed the aforesaid Notice of Motions against which the Appellants are aggrieved and have filed the present Appeals from Orders.

2. Pursuant to the rejection of the aforesaid Notice of Motions, Respondent MHADA has issued notice dated 5th October 2026 to the Appellants to carry out demolition of the suit premises within a period of 48 hours from issuance of the aforesaid Notices. Learned counsel on behalf of the Appellants placed on record the aforesaid Notices dated 5th October 2026. The demolition, as per learned counsel on behalf of the Appellants is in respect of the cluster redevelopment of Guru Tegh Bahadur Nagar (hereinafter referred to as 'GTB Nagar') (of which the suit premises is a part) which is proposed to be carried out under Regulation 33(9) of the Development Control and Promotion Regulations, 2034 (hereinafter referred to as 'the DCPR, 2034,). Learned counsel on behalf of the Appellants submits that the Appellants are protected occupiers of the suit premises and as per the survey conducted in the year 2000, the suit premises prior to the year 2000, and further, as stated aforesaid, by way of Government Resolution(GR) dated 23rd February 2024, the cluster redevelopment of the suit

premises has been proposed. He therefore submitted that comprehensive bio-metric door-to-door survey of all the residential and commercial tenements/occupants has been conducted, and a preliminary draft Annexure-II has been published along with public notice dated 26th May 2026 calling upon all the concerned occupiers, including Appellants, to raise objections and representation regarding the eligibility, occupancy status and to submit supporting documents within 15 days. He has submitted that the application regarding the eligibility of the Appellants is pending before the Respondent-MHADA and till the same is not decided, the demolition of the Appellants suit premises cannot be done.

3. He also submitted that considering that the Appellants were issued Notices from time-to-time in respect of the eviction, the Appellants were forced to move the learned Trial Court seeking declarative and injunctive reliefs, along with application for temporary injunction by way of the aforesaid Notices of Motion which were rejected. He submitted that considering that the issue of eligibility is still pending before the concerned authority i.e. MHADA, the aforesaid notices issued by MHADA for eviction and the rejection by the Trial Court of the Notices of Motion is arbitrary and illegal.

4. Mr. Lad, learned counsel on behalf of MHADA submitted that Respondent-MHADA would decide the pending eligibility of the Appellants on or before 22nd October 2026 and pass appropriate orders. He has further submitted that conditional eligibility has been given in favor of the Appellants subject to further scrutiny of documents. Learned counsel on behalf of the MHADA, Mr. Lad further submitted that in respect of the cluster redevelopment project of GTB

Nagar, MHADA is only the nodal agency and the Appellants herein are only occupants of structures which are by the side of the road. Learned counsel on behalf of the MHADA also submitted that the present Appellants though are on the land of GTB Nagar, which is undergoing cluster redevelopment, however, they are not members of the societies, who are part of the cluster redevelopment. In any event, learned counsel on behalf of MHADA submitted that the eligibility of the Appellants will be decided by MHADA on or before 22nd October 2026, on which date the demolition is fixed. He has submitted that in all there are 356 occupants, out of which 14 are held to be not eligible, 127 members are eligible and 189 members have been given conditional eligibility of which the Appellants have also been given the conditional eligibility. He has submitted that the eligible and the conditional eligible occupants would be given transit rent from 1st November 2026 @ Rs.10,000/- per month.

5. Mr. Lad, learned counsel on behalf of the MHADA also sought to place reliance on the Affidavit-in-Reply of Nitin Laxman Shinde, Executive Engineer, MHADA dated 12th October 2026. He further submitted that the averments contained in the Affidavit-in-reply of Mr. Nitin Laxman Shinde dated 12th October 2026 to the effect that the Appellants are not legal occupants are averments which are not pressed by MHADA and to that extent he does not seek to place reliance on those paragraphs of the Affidavit.

6. This Court is of the view that Officers of MHADA before filing Affidavits need to be more careful and vigilant and not file affidavits which contain

statements which cannot be substantiated. In the event such Affidavits are filed in future, costs will be imposed on the relevant Officers.

7. Considering that the cluster redevelopment project has reached an advanced stage, this Court is of the view that the eligibility of the Appellants needs to be decided expeditiously and hence, MHADA to decide eligibility of the Appellants on or before 22nd October 2026, in view of the fact that the demolition is scheduled on 22nd October 2026. The aforesaid decision taken on the eligibility of the Appellants by MHADA to be placed before this Court before the next date of hearing.

8. Stand over to **29th October 2026.**

(AARTI SATHE, J.)