

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.11566 OF 2024

Satish Gangaram Jadhav

....Petitioner

Versus

Maharashtra Industrial Development
Corporation and Ors.

....Respondents

Mr. O.A. Das a/w. Mr. V. Jagannathan for the Petitioner.

Mr. Meet Vora a/w. Ms. Kinjal Jain and Ms. Hasmita Patel for
Respondent Nos.1 and 2.

Mr. Ashish Kamat, Senior Advocate a/w. Ms. Simantini Mohite and
Advocate A.R. Mishra for Respondent No.3.

**CORAM : RAVINDRA V. GHUGE
&
ABHAY J. MANTRI, JJ.**

DATE : 3rd FEBRUARY, 2026

P.C. :-

1. Respondent No.3 has tendered an affidavit in reply. The
Petitioner has tendered a rejoinder affidavit to the reply filed by
Respondent No.3.

2. This matter has been worked out to quite an extent with
the assistance of all the parties. The Petitioner has already tendered
an original affidavit dated 20th January, 2026 sworn by his sister.
The same is taken on record and marked as '**X-1**' for identification.
The dispute between the Petitioner and his sister, thus, stands
resolved and no longer survives in view of affidavit 'X-1'.

3. Respondent No.3 has tendered an original cheque for an amount of Rs.9,80,000/- dated 2nd February, 2026 bearing No.884913, drawn from its account held with IDBI Bank, Ground Floor, Mickey Square, Kondivita, Mumbai, in favour of the Petitioner. This is towards the transit rent amounts, though the Petitioner and Respondent no.3 are disputing the quantum of the amount. The original cheque is handed over to the learned Advocate for the Petitioner in the presence of the parties and in the Court. The daughter of the Petitioner has collected the cheque. This is without prejudice to the claims of both these parties.

4. Insofar as the disputed transit rent amount is concerned, we are informed that MIDC has a Grievance Redressal Committee (GRC) which decides the quantum of outstanding transit rent and issues appropriate directions for payment thereof. The Petitioner claims that the outstanding transit rent is approximately Rs.19 lakhs and odd. The undisputed amount of Rs.9,80,000/-, which has been delivered to the Petitioner by Respondent No.3.

5. We, therefore, permit the Petitioner to raise a grievance by submitting an application before the GRC of MIDC. The GRC

would deal with the said application by granting an opportunity of representation to the stakeholders, which is Respondent No.3, the builder/developer, and decide the application within a period of 60 days from the date of receipt thereof. The decision of the GRC would be then subject matter of execution in accordance with the statute.

6. There is no dispute that the Petitioner is eligible to be allotted a tenement under the Slum Rehabilitation Scheme. Since there was a dispute between the Petitioner and his sister, the developer did not include the name of the Petitioner and the MIDC could not forward the Petitioner's claim to the CEO of MIDC for being subjected to the lucky draw method for allotment of tenements. Such list is prepared by the developer. However, the law is that in the list of eligible claimants, the rule of seniority is followed and, depending upon the number of tenements constructed, the lucky draw system is implemented only for the purposes of allotment of tenements to the persons who are eligible. The number of eligible persons in the list is equal to the availability of the number of tenements, at the given time.

7. It is undisputed that if the Petitioner's claim is senior to any person in the existing list, he will have to be given preference. The learned Advocate for MIDC, on instructions, submits that the developer should urgently forward the Petitioner's name to MIDC along with requisite details, including the date on which the Petitioner's hut was demolished, to verify eligibility on the basis of seniority. The learned Advocate for the developer, Respondent No.3, whose authorised representative is present in Court, is instructed to state that the Petitioner's name along with requisite details would be submitted in writing to MIDC within 48 hours.

8. Needless to state, thereafter MIDC would follow the due procedure laid down in law and if the Petitioner's claim is found to be senior to any other person, the name of the last person in the existing list will have to be deleted to include the Petitioner's name. We are informed by MIDC that the lucky draw lottery system would be conducted on or before 15th March, 2026.

9. With the above directions, **this Petition is disposed off.**

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)