

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13205 OF 2025

Satish Bhujanga Shetty And Ors.

...Petitioners

Versus

State Of Maharashtra Thru. G. P. And Ors.

...Respondents

Mr. Ajay Dube a/w Yogita Kanojiya for Petitioner.

Ms. V. R. Raje, AGP for State.

Mr. Nirman Sharma, a/w Mr. Deeshank Doshi & Ms. Uma Sharma i/b Dharam & Co., for Respondent No.4.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 28 JANUARY 2026

P.C.

1. We have heard learned counsel for the parties.
2. This petition is thoroughly misconceived, apart from the fact that the petitioner has suppressed material facts.
3. This petition under Article 226 of the Constitution of India is filed praying for the following reliefs:

"a. This Hon'ble Court be pleased to issue a writ of mandamus or any other appropriate writ, order and direction, directing Respondent No. 4 to immediately remove the lock from Room no-21, 5th floor, and provide unrestricted access to the terrace of Plot no. 94, Jamset Building Keshavrao Khadev Marg, Near New Shirin Talkies Satrasta, Mumbai-400011, to enable the Petitioners and/or MHADA to carry out the urgent repair work.

b. This Hon'ble Court be pleased to direct Respondent No. 4 to fully cooperate with Respondent Nos. 2 and 3 (MHADA) and the Petitioners in carrying out the repair work of the said building and to remove all obstructions and impediments that prevent the execution of such repairs.

c. This Hon'ble Court be pleased to direct Respondent Nos. 2 and 3 (MHADA) to immediately take concrete action in pursuance of this Hon'ble Court's earlier order dated 13/06/2025 in Writ Petition No. 7394 of 2025 and to undertake the

repairs as permissible in law without further delay.

d. This Hon'ble Court be pleased to issue directions for the immediate structural assessment of the building by a competent engineer and to take all necessary emergency measures to ensure the safety of the residents.

e. This Hon'ble Court be pleased to initiate contempt proceedings against Respondent No. 4 for willful disobedience of the court order dated 13/06/2025 in Writ Petition No. 7394 of 2025.

f. This Hon'ble Court be pleased to direct the Respondent No. 4 to pay compensation to the Petitioners for the damage caused to their household items, electrical appliances, and for the mental agony and harassment suffered due to his negligent conduct.

g. This Hon'ble Court be pleased to appoint a Court Commissioner to oversee the repair work and ensure compliance with the court directions.

h. This Hon'ble Court be pleased to direct that the repair work be completed within a specified time frame before the peak monsoon season to prevent further deterioration and risk to life and property.

i. Pass any other order or direction that this Hon'ble Court deems fit and proper in the interest of justice."

4. We find that for similar reliefs, the petitioner had earlier approached this Court by filing Writ Petition No.7394 of 2025, which came to be disposed of by an order dated 13 June 2025 which reads thus:

"1. Considering the prayers as made in the petition, it may not be possible for this Court to issue a writ against respondent no.4. It appears from the record that the petitioner has already approached MHADA. Also the MHADA has issued a notice dated 05 May 2025 to respondent no.4/landlord in regard to repair work of the terrace to be undertaken. MHADA needs to take further appropriate action as permissible in law and undertake the repairs.

2. Keeping open all contentions of the parties, we dispose of this petition in the aforesaid terms. No costs."

5. Thus, the aforesaid order passed by this Court is very clear that it was ultimately for the MHADA to take appropriate steps. Therefore, a second petition for the same reliefs could not have been filed and cannot be held to be maintainable. Apart from this, the suppression which we have noted pertains to an eviction decree passed by the Small Causes Court at Bombay, which the petitioner

is suffering which has not been disclosed in this petition. We also find that the petitioner has also furnished an undertaking before the Appellate Court that he would not obstruct execution of the decree meaning thereby that he has lost all rights in respect of the said tenements in question. These material facts have been suppressed in the memo of the petition.

6. This apart also a Writ of this Court under Article 226 of the Constitution cannot be issued against a private party/respondent No.4.

7. Thus, looked from any angle, the petition is not maintainable. It is accordingly dismissed with cost of Rs.10,000/- to be deposited by the petitioner with the Maharashtra Legal Service Authority within a period of ten days from today. Payment of cost is condition precedent, failing which the Member Secretary is at liberty to initiate recovery proceedings by initiating proceedings through the Collector under the provisions of the Maharashtra Land Revenue Code, 1966.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)