

JYOTI
RAJESH
MANE

Digitally signed by
JYOTI RAJESH
MANE
Date: 2026.01.23
18:03:19 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15201 OF 2025

Archana Ravindra Bhagwat

And Ors

....Petitioners

Versus

The State Of Maharashtra Thr

The Prin. Sec. Housing Dept.

And Ors

....Respondents

Mr. Mahaling Pandarge, for Petitioners.

Mrs. M.P. Thakur , AGP for Respondent No.1.

Mr. P.G.Lad a/w. Sayali Apte, for Respondent No.2.-MHADA.

Ms. Anamika Malhotra a/w. Haamid Ahmad a/w. Sunny Gangawani,

For Respondent No.3.

Mr. Mihir R. Govilkar, for Respondent No.5.

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

DATE: 22 JANUARY 2026

P.C.

1. This Petition under Article 226 of the Constitution of India is filed
praying for following substantive reliefs:

A. that this Hon'ble Court be pleased to issue a writ of Mandamus or a Writ in nature of Mandamus or any other appropriate Writ, order or direction under Article 226 of the Constitution of India thereby direct Respondent Nos. 1 & 2 to enforce the MOU dated 23.06.2022 strictly and restrain Respondent No. 3 from collecting any amount beyond Rs.14,18,000 (exclusive of statutory taxes) from purchasers.

B. That this Hon'ble court may be pleased to issue necessary directions and declare that Clauses no.3 to the extent of payment of sum of Rs. 2,00,000/- to 3,00,000/- to the promoter towards table

mentioned therein of the Agreement to Sell (Annexure "B") are void, unenforceable and contrary to law.

C. During the pendency of this Writ Petition this Hon'ble Court may be pleased to restrain Respondent No.3 from demanding/collecting development charges or penalties; as well as direct Respondent No.2 MHADA to monitor and ensure completion of construction without further delay.

D. That this Hon'ble Court be pleased to issue a writ of Mandamus or a Writ in nature of Mandamus or any other appropriate Writ, order or direction under Article 226 of the Constitution of India thereby direct Respondent No 3 from withholding possession or charging penalties for alleged delayed payments not attributable to purchasers as well as order to refund of all amounts illegally collected towards "development charges" with 12% interest.

E. That this Hon'ble court may be pleased to issue necessary directions to Respondent No.3 to completion of all infrastructure and amenities as per MOU within the original 36-month timeline and if delayed then impose costs and pass such further orders as deemed fit.

2. After this Petition was heard for some time, learned counsel for the Petitioner, on instructions, and rightly so, seeks leave to withdraw the Petition with liberty to the Petitioner to take recourse to appropriate remedies as available in law.

3. The Petition is allowed to be withdrawn with liberty as prayed for.

4. All contentions of the parties are expressly kept open.

5. Disposed of. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)