

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 3207 OF 2026

Mangesh Yashwant Parave and Ors.

...Petitioners

Vs.

Mumbai Municipal Corporation
and Ors.

...Respondents

Mr. Nakul Jain i/by Adv. Prithvi Aringale - Advocate for the
Petitioners

Mr. Santosh Parad – For Respondent-BMC

Mr. A. J. Khan – Officer Sub Engineer of Maintenance Dept from ‘E’
Ward present in Court

Ms. Sayali Apte i/by P. G. Lad – For Respondent No. 2-MHADA

Adv. Shailendra Kanetkar a/w Sanjeel Kadam, Netra Jagtap i/by Kadam
and Co. - For Respondent Nos. 3 to 4.

CORAM : M. S. KARNIK AND
S. M. MODAK, JJ.

DATE : 02nd APRIL 2026

P. C. :-

1. Heard Mr. Jain, the learned counsel for the Petitioners, Mr. Parad, the learned counsel for Respondent-BMC, Ms. Apte, the learned counsel for Respondent No. 2-MHADA and Mr. Kanetkar, the learned counsel for Respondent Nos. 3 and 4.

2. It is grievance of the Petitioners that Petitioners are eligible slum

dwellers. They are entitled for in situ accommodation, which the Respondent Nos. 3 and 4-Developers are refusing to grant.

3. So far as Petitioners are concerned, part of their structures were on the BMC owned land and part of structure was on the land owned by the Respondent Nos. 3 and 4. In such view of the matter, it is contention of the Respondent Nos. 3 and 4 that it would be responsibility of the Corporation to pass necessary orders for allotment of the alternate accommodation.

4. The learned counsel for the Petitioners submitted that they are entitled for in situ alternate accommodation.

5. The learned counsel for the Corporation, on the other hand, submitted that if the Petitioners are aggrieved by the decision regarding allotment of the alternate accommodation, then they have a remedy of preferring an appeal before the Assistant Commissioner of the concerned Ward under the Bottle Neck Policy, 2017. If that is so, it would be appropriate in the facts of the present case, if the Petitioners prefer an appeal before the Assistant Commissioner of the concerned Ward. If such an appeal is preferred within a period of 15 days from today, the Assistant Commissioner of the concerned Ward shall hear the appeal expeditiously and decision be informed to the Petitioners.

6. It is made clear that we have not made any observations on the merits of the contentions. All contentions are kept open.
7. The Petitioners as well as Respondent Nos. 3 and 4 may appear before the Assistant Commissioner of the concerned Ward on 16.04.2026.
8. The Appeal shall be decided within a period of four weeks from 16.04.2026. The Petitioners are held to be eligible for alternate accommodation. No coercive steps be taken against the Petitioners for a period of two weeks from today and further interim relief may be in terms of the bottleneck policy during the pendency of the appeal.
9. The learned counsel for the Respondent Nos. 3 and 4 submitted that so far as Petitioner Nos. 7 and 12 are concerned, they are entirely on the BMC portion, whereas other Petitioners are partly on BMC portion and partly on portion of Respondent Nos. 3 and 4. We are not making observations so far as this contention of Respondent Nos. 3 and 4 is concerned which may be looked into by the Assistant Commissioner.
10. With the above observations, the Writ Petition is disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)