PANCHAL

# IN THE HIGH COURT OF JUDICATURE AT BOMBAY
# ORDINARY ORIGINAL CIVIL JURISDICTION

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BALAJI GOVINDRAO PANCHAL
Date: 2026.10.06 11:05:02 +0530

## WRIT PETITION NO. 4596 OF 2026

Trupti Satish Gawade ...Petitioner
Versus
Mumbai Metropolitan Region
Development Authority (MMRDA) & Ors. ...Respondents

...

Mr. Hamza Lakdawala (through V.C.) a/w Ms. Vaishnavi Kamble & Ms. Shraddha Subhash Kadam, for the Petitioner.

None for the Respondents.

...

**CORAM : MAHESH CHANDRA TRIPATHI, CJ. & ADVAIT M. SETHNA, J.**

**DATE : 5th OCTOBER, 2026.**

**P.C.:**

1. Heard learned Counsel for the Petitioner, who has joined through video conferencing.

2. The instant Writ Petition is preferred *inter alia* with the following substantive reliefs :-

> *"a. This Hon'ble Court be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction in the nature of Mandamus, calling for the records and proceedings of the case, and after examining the legality and validity thereof, be pleased to quash and set aside the Impugned Order dated 10th July 2024 passed by Respondent No. 2;*
>
> *b. This Hon'ble Court be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the revised reports dated 3rd July 2018 and 17th October 2018 issued by Respondent No. 5 in respect of Structure ID No. 81 as illegal, arbitrary, without authority of law and not binding*

*upon the Respondents;*

c. *This Hon'ble Court be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, directing Respondent Nos. 1 and 3 to implement the Notice for Allotment of Alternative Accommodation bearing Outward No. MMRDA/SDC/1147/2017 dated 29th August 2017 and to hand over vacant, peaceful and physical possession of Flat No. 204, Building No. 355, Natwar Parekh, Govandi / S.V. Patel, Mankhurd to the Petitioner forthwith;"*

3. The record reflects that against the order dated 7th October, 2022 passed by the Competent Authority, the Petitioner preferred an Appeal No. 1501 of 2024 before the Land & Property Manager, Deputy Collector & Head, First Regional Grievance Redressal Committee.

4. What we find from the record is that, while passing the Impugned Order dated 10th July, 2024, despite sufficient time to take appropriate steps, the same has not been challenged within reasonable time. Even on merits, on a careful perusal of the Impugned Order, we find that the rights *vis-a-vis* the Petitioner and private parties have been thoroughly examined and considered by the Competent/Prescribed Authority of the Respondents. The evidence of residence of the subject hut ID No. 81, Map No. 26, Gandhinagar, Malad East of the Appellant/Plaintiff Smt. Savita Babu Rathod, Aadhar Card, hut census report etc. were found to form a part of the record.

5. It appears that the Petitioner (Respondent before the Authority) i.e. Smt. Trupti Satish Gawade has not submitted any other document to the Committee regarding the residence of the subject hut as reflected on Map No. 26, ID No. 81 affected by the said property, except Aadhar Card and Pan Card. It is also seen that registration of Aadhar Card is dated 11.06.2017.

6. Considering the factual situation that has emerged, the rights of the parties *inter-se* have been thoroughly scrutinized by the prescribed/Competent Authority of the Respondents and we are not in a position to substitute our own findings, as that would require appreciation of evidence. *Prima-facie*, we find that the order impugned is just, valid and sustainable under the given facts and circumstances, which warrants no interference in the Writ Petition, which is devoid of merits and accordingly deserves to be dismissed.

7. We find that the Petitioner, in a casual manner, has proceeded to move an Application without any formal Appeal to the Appellate Authority and accordingly, the Additional Collector and Head, High-Level Grievance Redressal Committee has preferred a communication to the Petitioner

dated 18th August, 2026, which is also on record. Be that as it may, we find that the prescribed authority has proceeded to examine the claim of the Petitioner *vis-a-vis* the private Respondent, namely, Smt. Savita Babu Rathod. We find that she was having the relevant/requisite documents to substantiate her claim. In absence of any such material on record *qua* the Petitioner, we are not inclined to interfere in this proceedings where parties *inter-se* have raised disputed claims/counterclaims. For all the above reasons, we do not find any infirmity or illegality, which warrants interference by the Writ Court. Accordingly, the Writ Petition is Dismissed.

**[ADVAIT M. SETHNA, J.]** **[CHIEF JUSTICE]**