

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

WRIT PETITION NO. 4433 OF 2024

Balbhim Ramchandra Suryawanshi
and 4 Others

...Petitioners

Vs.

The State of Maharashtra
and 4 Ors.

...Respondents

Adv. Induprakash Tripathi a/w Bhagyashri Gawas - Advocate for the
Petitioners

Smt. P. H. Kantharia – GP for the Respondent-State

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

DATE : 19th JANUARY 2026

P. C. :-

1. Heard learned counsel for the Petitioners.
2. The grievance of the Petitioners is that the impugned communication dated 11.11.2008 which was issued by the Respondent No. 3-Director BDD Chawl, PWD was without hearing the Petitioners, who had interest in the subject room. It is the submission of the learned counsel for the Petitioners that the tenancy has been

transferred in favour of Respondent Nos. 5-brother of the Petitioners, in breach of principles of natural justice and without affording any opportunity of hearing to the Petitioners though they had right in the subject room being legal heirs of Tulsabai, who is mother of the Petitioners. The impugned order was passed on 11.11.2008.

3. We have heard learned AGP appearing on behalf of the Respondent Nos. 3 and 4, who opposed this petition on merits and also on ground of delay in filing the petition. We are not making observations on either of the contentions at this juncture.

4. In our opinion, at this instance of time and in any case, if the Petitioners are claiming tenancy rights in the room which is subject matter of the petition, we leave it open for the Petitioners to seek appropriate remedy available in law including approaching the Respondent Nos. 3 and 4 for recalling the order on all grounds permissible. It is submission of the Petitioners that the representation has already been made to the Respondent Nos. 3 and 4, which is at page no. 72 of the Writ Petition. It is open for the Petitioners to pursue the said representation as well.

5. We have not made any observations on the aspect of delay and

latches or on merits as raised by learned AGP and the same are kept open for adjudication before the appropriate forum. It would be open for Respondent Nos. 3 and 4 to take appropriate decision on the representation and to take the same to its logical conclusion in accordance with law.

6. With the above observations, the Writ Petition is disposed of.
7. Pending Interim Application, if any, also stands disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)