

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

WRIT PETITION NO. 1504 OF 2024

Sanjana Sanjay Kanse

...Petitioner

Vs.

Maharashtra Housing
And Area Development Authority

...Respondent

Mr. Dileep Satale i/by Mr. Santosh B. Sitap - Advocate for the
Petitioner

Ms. Yashshree Raut h/f Mrs. Manisha Jagtap - for the Respondent-
MHADA.

Mr. Sharad Wakchoure a/w Ms. Apurva Kudalkar – For Respondent
No. 4.

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

DATE : 30th MARCH 2026

P. C. :-

1. Heard Mr. Satale, learned counsel for the Petitioner, Ms. Raut,
learned counsel for Respondent-MHADA and Mr. Wakchoure, learned
counsel for Respondent No. 4.

2. The present Petitioner prays for following substantial reliefs:-

a) this Hon'ble Court be please to issue a writ of
mandamus or a writ in nature of mandamus or any

other writ, order or direction to Respondent Nos.1 and 4 to hand over possession of commercial premises in lieu of said shop in rehab building to the Petitioner;

- b) This Hon'ble Court be please to issue a writ of mandamus or a writ in nature of mandamus or any other writ, order or direction to Respondent No.4 to provide compensation in lieu of temporary alternate accommodation at the rate Rs. 35,000/- per month from January 2016 until handed over commercial premises in rehab building to the Petitioner;

3. The learned counsel for the Developer submitted that construction of the building is already completed and even occupation certificate has been issued. It is submitted that in the Annexure-2 names of Yamunabai P. Khurase and that of Sanjay P. Khurase as legal heirs are shown. The name of the Petitioner was not mentioned there on Annexure 2. However, the learned counsel for the Petitioner says that the Petitioner has also share in the suit shop.

4. The suit shop has been handed over to Sanjay Khurase whose name is there in Annexure-2 on 18.07.2025. As the Petitioner's name is not shown in Annexure 2, it is not possible for us to grant any relief at this juncture. If at all the Petitioner has any right, it is for her to establish the right in the suit property by resorting to appropriate

proceedings including filing of suit. Liberty to file appropriate proceedings is kept open.

5. It is the contention of the learned counsel for the Petitioner that there was an oral assurance by the Developer that the suit shop shall not be handed over to any other person during pendency of this petition. However, we do not find any material on record to substantiate this plea of the Petitioner.

6. If the Petitioner is claiming breach of the oral assurance, it is for the Petitioner to file appropriate proceeding alleging breach. In the writ petition, it is not possible for us to grant any reliefs as prayed for, in view of the fact that Respondent No. 5 is already in possession based on his name appearing on Annexure-2.

7. With the aforesaid liberty, the present Writ petition is disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)