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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2734 OF 2025

B.Narayan M.Shetty

...Petitioner

Versus

The State Of Maharashtra

Through Government

Pleaders Office & Ors.

...Respondents

Mr. Harshal Mirashi, for Petitioner.

Ms. Poonam Mital, AGP for Respondent No.1. – State.

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

Ms. Anjali Ghuge for Respondent No.3 - BMC/MCGM.

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

DATE: 02 FEBRUARY 2026

P.C.

1. The case of the Petitioner is that he is aggrieved by the action of MHADA, and more particularly by the communication dated 11th August 2016 (Exhibit “F” at page 43), whereby the Petitioner has been described as an encroacher in a transit camp. The present Petition is filed praying for the following substantive reliefs:

(a) Rule Nisi be granted.

(b) That this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate writ or direction or order of this Hon'ble Court to the Respondent No.2 to provide permanent alternative accommodation to the Petitioners as per their policy and under article 19 and 21 of constitution of India..

(c) That this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate writ or direction or order of this Hon'ble Court to Respondent No.2 to work out proper solution for provide alternative permanent accommodation to the premises as per Law and/ or to protect their livelihood guaranteed under Constitution of India qua fundamental right.

d) That this Hon'ble Court may be pleased to direct the Respondent No 2 to recall decision by virtue of notice dated 11th of August, 2016 thereby justifying their policy and withdraw the same in the interest of justice being against the constitution of India.

2. We find from the record that the Petitioner has already instituted Long Cause Suit No. 504 of 2008 against the Maharashtra Housing and Area Development Authority before the City Civil Court at Dindoshi Division, Mumbai. Learned counsel for the Petitioner submits that the said suit is pending and that certain protective orders have also been passed therein.

3. However, merely by invoking Articles 19 and 21 of the Constitution of India, the Petitioner has filed the present Petition despite the pendency of the aforesaid civil suit. In the facts and circumstances of the case, we are of the opinion that disputed questions of fact are clearly involved, and the Petitioner has rightly availed the remedy of a civil suit.

4. If the Petitioner has any immediate grievance in respect of eviction or any other relief, the Petitioner is at liberty to file an appropriate application in the pending civil suit. Such application shall be considered and decided by the Civil Court after hearing all concerned parties.

5. We are, therefore, not inclined to entertain the present Petition. The Petition is disposed of, keeping open all rights and contentions of the Petitioner to be agitated in the pending civil suit.

6. Disposed of in the aforesaid terms. No order as to costs.
7. Needless to observe that if any interim or ad-interim application is filed, the same shall be decided by the Civil Court on its own merits, after hearing the parties, in accordance with law.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)