

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 3666 OF 2025
IN
CONTEMPT PETITION (L) NO. 31633 OF 2022
IN
CONTEMPT PETITION NO. 28 OF 2021
IN
CONTEMPT PETITION NO. 18 OF 2021
IN
WRIT PETITION NO. 1924 OF 2018

Noor Saba Firoz Khan And Anr

...Applicant

In the matter between

Late Jeet Bhikarao Through (LOA) Holder

Sayed Muntazir Mehdi

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Ms. Anita Castellino i/b Bruno Castellino for Petitioner.

Mr. Sagar Ghogre a/w Sarvesh Gawade i/b Suraj Ghogre for Applicant.

Mr. Prashant Kamble, AGP for State.

Mr. P. G. Lad a/w Sayali Apte and Muralidharan Kalathil for Respondent – MHADA.

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

DATE: 23 FEBRUARY 2026

P.C.

1. Stand over to **9 March 2026 (HOB)**. In the meantime, let the Competent Officer of MHADA examine the claim as made by the petitioner and the entitlement now of the petitioner namely Kaneezfatima Muntazir Mehdi Sayed legal heir of deceased Mr. Sayed Muntazir Mehdi who was granted the “Letter of Administration” by this Court by an order dated 1 June 2022, in respect of the legal interest in relation to the properties of Late Jeet Bhikarao. Copies of all these relevant documents are placed on record including the testamentary petition and orders passed thereon dated 1 June 2022.

2. We find that the original petitioner Jeet Bhikarao expired on 24 July 2021 which was during the Covid pandemic. However, when he was alive, two orders came to be passed on the proceedings of the Contempt Petition No.1924 of 2018 and Contempt Petition (L) No.4186 of 2021 filed in the said Writ Petition. In the order dated 23 February 2021, on behalf of the MHADA a statement was made that Flat No.906, 9th floor, Sumer Park, Building No.4, Mazgaon, Mumbai, would be handed over to the petitioner within two weeks from the date of the said order. However, it appears that the said order was not complied and on 24 July 2021 which is after five months from the date of the said order, the original petitioner – Jeet Bhikarao passed away. It appears that that the petitioner having expired, was not brought to the notice of the Court when order on the second Contempt Petition (L) No. 10252 of 2021 was passed being an order dated 12 August 2021, as passed by the coordinate Bench of this Court wherein after noting the earlier order, the Court observed thus:

“... ..

4. Today, learned Counsel for the Petitioner submits that Petitioner is a senior citizen, residing at Siddharth Nagar, Uttar Pradesh. Because of the covid situation, he is apprehensive of travelling to Mumbai and personally appear before Respondent Nos.2 & 3.

5. That being the position, we direct that as and when Petitioner feels safe to travel to Mumbai, he shall intimate Respondent Nos. 2 & 3 and on the date and time that may be fixed, he shall appear before the said authorities who shall thereafter hand over the allotted tenement i.e. Flat No.906 to the petitioner in person.”

3. We have also perused the documents as placed on record, a copy of the death certificate of late Jeet Bhikarao, his ‘Last Will and Testament’ dated 18 January 2021, and the orders passed by this Court on 1 June 2022. We are very surprised that despite all such materials on record the proceedings have still

remained pending and the MHADA is yet to take an appropriate position.

4. Insofar as the compliance of the orders passed by the Court is concerned, we direct the Competent Officer of the MHADA to examine all these documents and if any other documents are required from the petitioner, that can be called for and furnished, so that the same can be examined and an appropriate decision can be taken in compliance of the orders passed by this Court and, more particularly, order dated 23 February 2021.

5. Let an appropriate decision be taken in accordance with law, and placed on record on an affidavit to be filed by the Competent Officer on or before the adjourned date of hearing.

6. We are quite surprised with the intervention application which is filed by one Noor Saba Firoz Khan and Firoz Mohd. Akthar Khan who claim to be the purchasers of the tenement which is yet to be handed over to the original holder of the Letter of Administration. As to how such third party rights can be created, we are not aware. In any event, we shall hear the parties on the adjourned date of hearing. Let the Interim Application be also tagged along with the Contempt Petitions.

7. Ms. Anita Castellino, learned Counsel appearing for the petitioner has fairly stated that she has no instructions whatsoever on the transaction as alleged by the interveners.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)