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

WRIT PETITION NO. 909 OF 2026

Mr. Abdul Majid Gigani.

...Petitioner

Versus

The Chief of Mumbai Buildings
Repair & Reconstruction Board And Ors.

...Respondents

Mr. Vishal G. Salvi a/w Mr. Tejas Pawar a/w Mr. Yashvant D. Nerurkar a/w
Mr. Shubham Pawar for Petitioner.

Ms. Manisha Jagtap for Respondent No.1 (MHADA).

Mr. Rakesh Pathak, AGP for Respondent No.5-State.

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

DATE: 24th FEBRUARY 2026

P.C.

1. This Petition under Article 226 of the Constitution of India is filed
praying for the following substantive reliefs: -

a) This Hon'ble Court be pleased to issue a writ of mandamus or a writ
in the nature of mandamus or any other appropriate writ or order
directing the Respondent No. 1 to initiate action for acquisition of the
building which is being redeveloped by Respondent Nos. 2, 3, and 4
under the provisions of MHADA Act, 1976, and to get the
redevelopment work completed either by Respondent No.1, the Board,
or any other developer and hand over possession of the reconstructed
shops to the Petitioner as per the agreement for Permanent Alternate
Accommodation.

b) This Hon'ble Court be pleased to issue a writ of mandamus or a writ
in the nature of mandamus or any other appropriate writ or order

directing the Respondent Nos. 1, 5, and 6 to take all steps against the Respondent Nos. 2, 3, and 4 to ensure that the said Respondent Nos. 2, 3, and 4 pay to the Petitioner arrears of compensatory rent from the year 2022 to 2025 and/or allot/provide handover vacant and peaceful possession of the new shop premises to the Petitioner.

c) That pending the hearing and final disposal of this Petition, the Respondent Nos. 2, 3, and 4 be directed to pay the current compensatory rent on a regular and timely basis till the Petitioner is provided with the reconstructed shop as per the agreement for Permanent Alternate Accommodation.

2. Though the Petitioner has prayed for the aforesaid reliefs, yet looking at the complexion and facts of the case, we proceed to decide the petition in the following manner.

3. The primary grievance of the Petitioner is that despite repeated letters addressed in 2022, 2024 and 2025, Respondent No.1 i.e. The Chief of Mumbai Buildings Repair & Reconstruction Board, (hereinafter referred to as "MBRRB"), has failed to take steps under Section 91A of the Maharashtra Housing and Area Development Act (hereinafter referred to as then "MHAD Act") to ensure completion of the project and payment of transit rent arrears. The Petitioner is a senior citizen and a monthly tenant of commercial premises admeasuring 277 sq. ft. i.e. Shop No. 94-A on ground floor at Jail Road (East), Opp. St. Joseph High School, Umerkhadi, Mumbai – 400 009 (hereinafter referred to as the said "Building"), which he surrendered in July 2011 on assurances by Respondent No. 2-Developer, that the said building would be redeveloped within 2 years and that the compensatory rent of Rs. 3 Lakhs per annum would be paid until the Permanent Alternate Accommodation Agreement (PAAA) was executed. An agreement dated 26th July 2011 to that effect has been entered into between the Petitioner and Respondent No.2-Developer and it is thereafter that the Petitioner has surrendered his shop to Respondent No. 2-Developer. Respondent No. 2-Developer demolished the said building in which the shop of the Petitioner, was situated and commenced redevelopment. The redeveloped new building (Simna Tower) has been completed in 2019 and up to

2022, transit/compensatory rent has been paid by Respondent Nos. 2 to 4 to the Petitioner.

4. However thereafter there has been no payment of transit rent or execution of the PAAA and it is in this respect that the Petitioner by letters dated 24th May 2022 and 21st September 2022 followed up with Respondent No.1-MBRRB.

5. The Petitioner had also once again addressed a letter/representation dated 18th March 2024 to Respondent No.1-MBRRB and also to Respondent No.2-Developer to pay the arrears of transit rent and execute the PAAA. Also in the said letter/representation, Petitioner had requested Respondent No. 1-MBRRB to take action under the relevant provisions of MHAD Act. It is the Petitioner's contention that though hearing notices have been issued from time to time by Respondent No.1-MBRRB, however till date there is no order/decision taken by Respondent No.1- MBRRB in respect of the letter/representation dated 18th March 2024. This inaction on the part of Respondent No.1- MBRRB has caused grave prejudice to the Petitioner and it is the anxiety of the Petitioner that such letter/representation needs to be taken to its logical conclusion and the same therefore ought to be decided in an expeditious manner and as the law would mandate.

6. In our view, considering the limited relief that the Petitioner seeks in the petition and although there being no written opposition/reply of the Respondents, considering the nature of the orders we propose to pass, no prejudice would be caused to the Respondents. The following order would serve the ends of justice: -

ORDER

(i) Respondent No.1- MBRRB to consider and decide the pending letter/representation dated 18th March 2024 in accordance with law, as

expeditiously as possible, preferably within a period of 4 weeks from the date this order is made available to the said Respondents by the Petitioners.

- (ii) Let all parties be heard.
- (iii) All rights and contentions of the parties are expressly kept open.
- (iv) Writ Petition is disposed of in the above terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)