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

**WRIT PETITION NO. 1152 OF 2025
WITH
INTERIM APPLICATION (L) NO. 9228 OF 2025**

Shrikant Dattatray Jarande and anr. ... Petitioners
Versus
The Municipal Corporation of
Greater Mumbai and ors. Respondents

Mr. Rajan Malkani a/w Roli Bohra, for the Petitioners.
Ms. Anjali Ghuge, for Respondents No. 1 & 2-BMC.
Ms. Pooja Joshi Deshpande, for the Respondents No. 2 & 3-
MHADA.
Mr. Rakesh Agrawal a/w Mr. Sandeep Nirban, for Intervenor in
IAL/9228/2025.
Mr. Suraj Gupte, AGP for Respondent – State.

**CORAM : M.S.KARNIK &
S.M.MODAK, JJ.**

DATE : 16th MARCH 2026

P.C. :

1. Heard learned counsel for the petitioners, learned counsel for the respondents and learned counsel for the intervenor.
2. Learned counsel for the petitioners invited our attention to the impugned order dated 10/04/2023 which is at Exhibit 'A', operative portion of which reads thus :

“1. The NOC holder shall provide rehab NR premises to the occupant of non cess structure i.e. Sugarcane Juice Stall bearing Ward No. FS/732(3A) occupied by Shri Shankar Dattatray Jarande and Shri Ramchandra Dattatray Jarande on the Ground floor facing road in the proposed new building as per the IOD/Plans approved by MCGM dated 18.04.2022 with carpet area as per the provisions of DCR 33(7) & Condition No.1 of Revised NOC dated 11.02.2022.

2. The NOC holder shall execute Agreement of Permanent Alternate Accommodation with the occupant Shri.Shrikant Dattatray Jarande & Shri. Ramchandra Dattatray Jarande for rehab NR premises as per the IOD/Plans approved by MCGM dated 18.04.2022 & also provide all the amenities as provided to the other NR tenants/occupants in the proposed new building.

3. The NOC holder shall provide temporary alternate accommodation to the occupant Shri.Shrikant Dattatray Jarande & Shri. Ramchandra Dattatray Jarande or pay Rent as amicably decided between themselves.

4. After execution of Agreement of Permanent Alternate Accommodation the occupants of non cess Sugarcane Juice Stall shall co-operate with the NOC holder and vacate their premises immediately.”

5. It is submitted that the Maharashtra Housing and Area Development Authority (‘MHADA’, for short) has failed to implement the order.

6. However, learned counsel for the intervener has invited our attention to the order dated 23/06/2023 and 03/11/2023. By the orders dated 23/06/2023 at page 94 and 03/11/2023 at page no. 95 of the interim application for intervention, the order impugned in the petition stands modified.

7. Faced with this difficulty, learned counsel for the petitioners

submits that as there is a remedy of appeal provided under the Circular dated 16/08/2010 before the Vice President, MHADA. In such view of the matter, it is open for the petitioners to challenge the orders dated 23/06/2023 and 03/11/2023 before the Vice President, MHADA, as it is the case of the petitioners that such orders have been passed after the competent authority has become *functus officio* and are in breach of principles of natural justice. Such contentions apart from the other contentions are permitted to be raised before the Vice President, MHADA.

8. It is submitted that the appeal will be preferred within a period of 2 weeks from the date of uploading of this order. The appeal be decided on its own merits and in accordance with law.

9. The petitioners to remain present before the Vice President, MHADA along with the appeal memo on 27/03/2026 at 11:00 a.m.. Copy be served on the intervenor.

10. The writ petition is disposed of. All contentions are kept open.

(S.M.MODAK, J.)

(M.S.KARNIK, J.)