



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

WRIT PETITION (L) NO.31714 OF 2025

Esmail Fidahusein Sakarwala

... Petitioner

Versus

The State of Maharashtra and ors.

.... Respondents

Adv. Sanket Mungale, for the petitioner.

Smt. Gauri Sawant, AGP, for the respondent-State.

Adv. P. G. Lad a/w Adv. Sayali Apte, for respondent Nos.2 and 3-MHADA.

Adv. Arun Panickar, for respondent No.4.

**CORAM : M. S. KARNIK &
SHYAM C. CHANDAK, JJ.**

DATE : 24th MARCH, 2026

P.C. :

1. Heard learned counsel for the parties.
2. The petitioner contends to be the 1/3 owner of the property in question, which is already acquired. According to the petitioner, it is his name that should have been there in the list of eligible occupants considering that there is a decree in favour of the petitioner by the competent Civil Court. This according to learned counsel for the petitioner has not been acted upon by the

respondent-Maharashtra Housing and Area Development Authority (“MHADA”, for short).

3. Mr. Lad, learned counsel for MHADA submits that if the petitioner is aggrieved by his non inclusion in the list of eligible occupants, it is open for the petitioner to file an appeal or if he wants the certified list to be corrected, it is open for the petitioner to file an appropriate representation to the competent authority of MHADA which representation can be considered in accordance with law.

4. Learned counsel for the petitioner submitted that he would be satisfied for the present if the relief in terms of prayer clause (b) is granted in his favour. Prayer clause (b) reads thus :-

“(b) In the alternative to prayer (a) above, this Hon'ble Court be pleased to issue a writ of mandamus or any other appropriate writ under Article 226 of the Constitution of India thereby ordering and directing Respondent No.2 & 3 to consider the representation of the Petitioner vide letter dated 24.12.2020 in respect of eligibility of the Petitioner in the certified list of tenants in respect of Shop No.4 situated at Ground Floor, Amafhha Maskan (Bakriwala Chawl), 7/9/11 Saifee Jubilee Street (Doctor Street), Bhendi Bazar, Mumbai – 400 003.”

5. In response to this submission, Mr. Lad submitted that the petitioner can approach the MHADA considering that this is a cluster development under Development Control Regulation 33(9). In such view of the matter, the petitioner is permitted to file a comprehensive application before the MHADA within a period of two weeks from today. If such an application is preferred, MHADA to hear and decide the application on its own merits and in accordance with law within a period of eight weeks from the date of filing. It is open for the petitioner to move an appropriate interim application before the MHADA.

6. It is made clear that all steps taken shall be subject to the outcome of the decision by the MHADA.

7. The Writ Petition is disposed of.

(SHYAM C. CHANDAK, J.)

(M. S. KARNIK, J.)