

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

WRIT PETITION NO. 2195 OF 2025

Yasir Mustafa Syed, Trustee
and Mutawali of the Islamiya
Masjit Trust

...Petitioner

Vs.

Maharashtra Housing and Area
Development Authority

...Respondent

ALONGWITH
WRIT PETITION NO. 2197 OF 2025

Yasir Mustafa Syed

...Petitioner

Vs.

State of Maharashtra
Through the Secretary

...Respondent

Mr. Rajeev Cawalho a/w Rishab Murali a/w Miss. Zikra Khan h/f
Tooba R. Momin - Advocate for the Petitioner in both petitions
Adv. Sonia Santis i/by Adv. Umar Kazi - for the Respondents in WP 6
to 10 in WP 2195 of 2025 and Respondent Nos. 3 to 7 in WP 2197 of
2025.

Ms. Sayali Apte i/by P. G. Lad – for Respondent Nos. 1 to 4 –
MHADA in WP 2195 of 2025

Ms. Nikita Lad – For Respondent No. 2 on VC in WP 2197 of 2025

Shri Vikrant Parshurami – AGP in WP 2195 of 2025

Shri Rakesh Pathak- AGP in WP 2197 of 2025.

CORAM : M. S. KARNIK AND
S. M. MODAK, JJ.

DATE : 01st APRIL 2026

P.C. :-

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1. The Petitioner is challenging impugned notices dated 10.07.2023 and 17.01.2024 issued by Respondent No. 4 under the provisions of Section 79A of the Maharashtra Housing and Area Development Act, 1976 (in short 'MHADA').
2. During the pendency of this petition, the law in terms of Section 79A has been clarified in the decisions of this Court in the case of *Vimalnath Shelters Private Limited and Ors. Vs. State of Maharashtra*¹ and in the case of *Javed Abdul Rahim Attar and Others Vs. Maharashtra Housing and Area Development Authority and Others*, in Writ Petition (L) No. 34771 of 2021, dated 28.07.2025.
3. The learned counsel Shri Lad appearing for MHADA, fairly submits that MHADA will have to consider the matter in terms of the directions of this Court in the cases of *Vimalnath Shelters Private Limited and Ors. (supra)* and *Javed Abdul Rahim Attar and Others*

¹ 2025 SCC Online Bom 1109

(supra).

4. The impugned notices are therefore required to be kept in abeyance till the inquiry is completed and we accordingly so direct.

5. Liberty to MHADA to take appropriate action in terms of what is observed in *Vimalnath Shelters Private Limited and Ors. (supra)* and *Javed Abdul Rahim Attar and Others (supra)*.

6. In the light of the stand taken by the Respondent, we dispose of the writ petition, with liberty to the Petitioner to approach this Court in the event any order adverse to the interest of the Petitioner is passed by MHADA.

7. All contentions raised in this petition are kept open.

8. With the above observations, the Writ Petition is disposed of.

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9. We have gone through the averments made in the petition with the assistance of learned counsel.

10. We have heard learned counsel appearing for MHADA and learned counsel appearing of Respondent No. 2, on instructions, fairly submitted that applications which are mentioned in prayer clause (b) of this petition will be dealt with and appropriate decision will be taken

within a period of three months from today in accordance with law.

11. The petition is accordingly disposed of, in view of the stand taken by Respondent No. 2.

12. All contentions are raised in the petition are kept open.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)