

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

WRIT PETITION NO.2879 OF 2025

Supriya Sudhir Tawade, Age 60,
R/o.BDD Chawl no.13, Room no.33,
Dr.G.M.Bhosale marg, Jambori Midan,
Worli, Mumbai-400 018.

Petitioner

versus

1. Bombay Development Department,
Office of BDD, Worli, Mumbai.
2. Director, Bombay Development Department,
3. Chawl Superintendent, BDD Chawl,
4. The State of Maharashtra.
5. MHADA
6. Municipal Corporation of Greater Mumbai

Respondents

Mr.Gaurav Lele with Mr.Prashant Shettigar for Petitioner.

Ms.Sayali Apte with Mr.Murlidharan Kalathil i/by Mr.P.G.Lad for MHADA.

Ms.Pushpa Yadav for MCGM.

Mr.Akshay G.Patkar,AGP, for Respondent nos.1 to 4.

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

DATE: 7th January 2026

P.C.

1. This petition under Article 226 of the Constitution of India has been
filed praying for the following substantive reliefs :

“a. This Hon’ble Court be pleased to issue Writ of Mandamus or any appropriate writ and/or order and/or direction thereby directing the Respondent nos.2 and/or 3 to allow the application of the Petitioner for transfer of tenancy dated 5.9.2024 and 13.9.2024 (Exhibit-H and Exhibit-H1) submitted by the Petitioner to the Respondent no.3, and direct the Respondents 2 and 3 to transfer the tenancy with respect to the premises at BDD Chawl no.13, Room No.33, Dr.G.M.Bhosale Marg, Jambori Maidan, Worli, Mumbai-400 018 in Petitioner’s name;

- b. In the alternative to prayer clause (a), this Hon'ble Court be pleased to issue Writ of Mandamus or any appropriate writ and/or order and/or direction thereby directing the Respondents nos.2 and/or 3 to expeditiously consider afresh the application made by the Petitioner for transfer of tenancy in Petitioner's name;
- c. This Hon'ble Court be pleased to issue Writ of Certiorari and/or writ in the nature of certiorari and/or any other appropriate order or direction thereby calling for the records and proceedings pertaining to the matter and after examining the legality and validity thereof, this Hon'ble Court be pleased to quash and set aside the impugned notice to show cause dated 1-8-2024 and 28-8-2024 issued by the Respondent no.3 (Exhibit-G and Exhibig-G1);
- d. This Hon'ble Court be pleased to issue Writ of Certiorari and/or writ in the nature of Certiorari and/or any other appropriate order thereby calling for the records and proceedings pertaining to the matter and after examining the legality and validity thereof, this Hon'ble Court be pleased to quash and set aside the impugned notice to vacate dated 24-9-2024 issued by the Respondent no.1's representative/employee (manager)."

2. It is thus seen that the present petition is filed assailing the show cause notices dated 1st August 2024 and 28th August 2024 issued by the Chawl Superintendent, Bombay Development Department, BDD Chawl, Mumbai as also notice dated 24th September 2024 issued by the Manager, Development Department, Chawl, Mumbai seeking to evict the Petitioner from the tenement which she occupies as the legal representative of the original tenant late Mrs.Prabhavati Prabhakar Salunke i.e. Petitioner's mother. The Petitioner is a 60 years old senior citizen and an occupant of the Tenement No.33, BDD Chawl No.13, Dr.G.M.Bhosale Marg, Jambori Maidan, Worli, Mumbai, and is currently occupying the said tenement along with her daughter. The aforesaid tenement belonged to the Petitioner's mother late Mrs.Prabhavati Prabhakar Salunke who was a tenant in the said premises since 2nd March 1995. The Respondent no.2 transferred the premises in the name of Petitioner's mother pursuant to the

application dated 2nd March 1995. The Petitioner got married in the year 1991, and though she was initially residing at Palghar after her marriage, but in the year 2014 when the Petitioner suffered from a heart ailment, she started residing with her mother since 2014 and also in view of the fact that her relations with her husband, since the year 2014 were obtained. The health of Petitioner's mother deteriorated since the year 2020 when the pandemic struck. Always the Petitioner was taking care of her ailing mother is the Petitioner's case.

3. On 2nd February 2022 in the meeting held in the office of Respondent no.4 a list of eligible tenants of BDD Chawl no.13 was published when the mother of Petitioner late Mrs.Prabhavati Prabhakar Salunke was certified as eligible tenant in the said list.

4. On 22nd May 2024 the Petitioner's mother died due to old age. It is after this that the Petitioner was served a notice dated 9th July 2024 asking her to vacate the said tenement on account of death of her mother i.e. original tenant. In response to the said notice, the Petitioner addressed a letter to Respondent no.3 annexing all the documents pertaining to the Petitioner's entitlement as the only immediate surviving heir. In the documents which were submitted by the Petitioner, the Petitioner submitted a copy of Aadhar card, gas connection proof, proof that a bank account was jointly held by the Petitioner with her mother, which also reflected the address of the tenement proving possession and occupation of the Petitioner. Despite submitting all the documents, the Respondent no.3 issued notice dated 1st August 2024 and 28th August 2024 to the Petitioner stating that the Petitioner had failed to prove her possession and occupation in respect of said

tenement and to show cause as to why possession of the said tenement should not be taken over by the Government.

5. Petitioner in pursuance of the aforesaid notices dated 1st August 2024 and 28th August 2024, addressed several letters to the Respondent no.3 dated 5th September 2024 and 13th September 2024 and once again submitted the documents for transfer of tenancy in respect of the tenement in question in the name of Petitioner. The documents which were submitted with these letters include the death certificate of Petitioner's mother, rent receipts, Petitioner's Aadhar card, bank pass book, gas connection card and affidavit of the Petitioner. In spite of several follow ups by the Petitioner, no action or decision has been taken by the Respondent no.3 to effect transfer of tenancy in the name of Petitioner. Instead, a notice dated 24th September 2024 was issued to the Petitioner to vacate and hand over peaceful possession of the tenement in question. Subsequent thereto another notice dated 5th December 2024 was served on the Petitioner through Respondent no.2 wherein the Petitioner was once again called upon to remain present on 13th December 2024 at the office of Director, BDD along with requisite documents for the purpose of transfer of tenancy with respect to the said tenement. It is, therefore, seen that although the Petitioner has time and again submitted all her documents, and considering her age and ill health i.e. her heart problem, the Respondents ought to have taken an expeditious decision on the applications made by her regarding transfer of tenancy in her name in respect of the tenement in question in accordance with law.

6. We have heard learned counsel on behalf of both the parties. Learned counsel Mr. Lele on behalf of Petitioner submitted that although the Petitioner has submitted all the documents which were necessary to transfer the tenancy in the name of Petitioner, the Respondents are not acting upon the same. Learned AGP on behalf of the Respondents has stated that by notice dated 5th December 2024 the Petitioner was asked to submit all the documents with the office of Director, Bombay Development Department, Mumbai, and one of the important document in the said notice was the heirship certificate, which has not been submitted by the Petitioner, hence the transfer of tenancy was not made in the name of Petitioner. Learned counsel for the Petitioner has submitted that his client will apply for the heirship certificate and after obtaining the heirship certificate once again resubmit all the documents to Respondent no.2-Director, BDD Chawl and Respondent no.3-Chawl Superintendent for transfer of tenancy.

7. In view of the aforesaid submissions made by learned counsel for the parties, we deem it appropriate to pass following order to dispose of this petition, which would serve the ends of justice.

ORDER

(i) The Petitioner to submit all the requisite documents along with heirship certificate to the office of Respondent no.2 (Director, BDD) and Respondent no.3 (Chawl Superintendent, BDD) along with a fresh application within a period of three months from the date of uploading of this order;

- (ii) Upon receipt of such application of Petitioner, the Respondent nos.2 and 3 shall take a decision in respect of transfer of tenancy in accordance with law; within a period of two weeks from the date of receipt of such application;
- (iii) Till the Petitioner obtains the heirship certificate from competent Court, no coercive action shall be initiated by the Respondents against the Petitioner;
- (iv) All rights and contentions of the parties are expressly kept open;
- (v) Writ Petition is disposed of in above terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)