

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 3909 OF 2025**

Kirti Kothari and Ors.

...Petitioners

Vs.

Maharashtra Housing
and Area Development
Authority (MHADA) and
Ors.

...Respondents

Adv. Aseem Naphade i/by Soham Salvi - Advocate for the Petitioners
Adv. Aditya Miskita a/w Adv. Sanjeev Kadam i/by Kadam and
Company – For Respondent No. 13
Adv. Anjali Ghuge – For Respondent Nos. 4 and 5-MCGM/BMC
Adv. P. G. Lad a/w Sayali Apte - For the Respondent Nos. 1 to 3-
MHADA
Mr. Girin N. Pandit and Aaditya G. Pandit – For Respondent No. 6

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

DATE : 07th APRIL 2026

P. C. :-

1. The Petitioners are 10 tenants in respect of subject structure which is owned by Respondent Nos. 6 to 13. There are some disputes between the co-owners. The Petitioners had given their consent for redevelopment to the Respondent No. 13-co-owner. Accordingly,

under DCPR 33 (7), the Respondent No. 13 had submitted a redevelopment proposal in respect of the said structure as stated in prayer clause (a). It is grievance of the Petitioners that the proposal has not been processed.

2. The Petitioners who are tenants pray that redevelopment proposal should be processed and acted upon.

3. Learned counsel for Respondent No. 6, who is one of the co-owner appeared and submitted that suits are filed against these tenants (Petitioners) for the eviction before the Small Causes Court. It is only with a view to pressurize Respondent No. 6 that Petitioners are supporting Respondent No. 13.

4. Considering the proposal for redevelopment has been submitted by Respondent No. 13 to the MHADA, it is for MHADA to consider and take a decision thereon in accordance with provisions of DCPR 33 (7).

5. It is open for the Respondent No. 6 or any other co-owner to respond to such proposal.

6. Upon consideration of the proposal and the responses, if any, MHADA to process and to take a decision on redevelopment proposal

submitted by Respondent No. 13 within a period of four weeks from 16th April 2026.

7. The Petitioners, Respondent No. 6 and Respondent No. 13 to appear before the CEO, Mumbai Building Repairs and Reconstruction Board at 11.00 a.m. alongwith copy of this order. The proposal be decided on its own merits and in accordance with law.

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

(S. M. MODAK, J.)

(M. S. KARNIK, J.)