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

WRIT PETITION NO. 4578 OF 2025

Dandayal Bechan Giri ...Petitioner
Versus
The State of Maharashtra & Ors. ...Respondents

Mr. Sushil Inamdar for Petitioner.
Ms. Anjali Ghuge for Respondent Nos. 3 and 4.
Ms. Vrushali Kabre, AGP for Respondent-State.
Mr. Dindayal B. Giri, Petitioner is present.

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

DATE: 2nd FEBRUARY 2026

P.C.

1. We have heard the learned Counsel for the Petitioner as also the Petitioner who is present in Court.
2. This Petition under Article 226 of the Constitution of India is filed for the following substantive reliefs:-

“a. This Hon'ble Court be pleased to issue a writ of certiorari or a writ in the nature of certiorari or any other writ order or direction under Article 226 of the Constitution of India, and after going into the legality and propriety, thereof quash & set aside the communication dated 20.09.2024 (Exhibit-) P & 07.01.2025 (Exhibit hereto).

b. This Hon'ble Court be pleased to issue a writ of Prohibition or by any writ, order or direction in the nature of writ of prohibition, the Respondent No. 2 be directed to handover keys of residential premises viz. Room No. 704, situated at M/s. Malad Shivaji Nagar Panchvati SRA CHS Ltd. behind Mapale Height Building, Malad (East), Mumbai in exchange of rehab Flat No. 102, Building No. 29,

B wing, Sangam Sangram CHS, New RNA Colony (MMRDA Colony), Vashi Naka, Chembur, Mumbai 400 071, within time bound schedule & subject to any condition as deem fit to this Hon'ble Court.

c. That Pending the hearing and final disposal of the present Writ petition the Respondents be restrained in any manner from disposing off or conveying and/or allotting Room No. 704, situated at M/s. Malad Shivaji Nagar Panchvati SRA CHS Ltd. behind Mapale Height Building, Malad”

3. It appears that the Petitioner’s mother was a legitimate allottee in respect of the rehabilitation tenement, namely, Flat No. 102, Building No. 29, B-Wing, Sangam Sangram Co-operative Housing Society, New RNA Colony (MMRDA Colony), Vashi Naka, Chembur, Mumbai – 400071. The Petitioner is one of the sons of late Smt. Jadavati Bechan Giri, who expired on 27th January 2022, leaving behind four children, namely, three sons and one daughter.

4. The Petitioner claims to be one of the legal heirs and asserts entitlement to the allotment of the said tenement; however, such claim is objected to by the other legal heirs. In these circumstances, the dispute is purely a private dispute inter se between the legal heirs.

5. We find no infirmity in the communication dated 20th September 2024, which infact caters to the legal interest of the siblings/legal heirs.

6. We are not inclined to accept the Petitioner’s exclusive claim in respect of the said tenement in the absence of any heirship certificate issued by a competent court to the exclusion of the other legal heirs. All contentions of the parties are kept open, including liberty to the Petitioner to seek appropriate relief

against the other legal heirs who are asserting right/claim in respect of the said tenement, in appropriate proceedings.

7. The Petition is disposed of in the aforesaid terms. No order as to costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)