

JVS.

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

WRIT PETITION NO. 406 OF 2026

Richard Behram Mehta	}	Petitioner
Versus		
The Brihanmumbai Municipal Corporation & Anr.	}	Respondents

Mr. Dushyant Pagare, Advocates for the Petitioner.

Ms. K. H. Mastakar, Advocate for Respondent no. 1.

Mr. Prashant Kamble, AGP for Respondent No. 2.

**CORAM: SHREE CHANDRASHEKHAR, C.J. &
GAUTAM A. ANKHAD, J.**

DATE: 27th JANUARY 2026

P.C.:

The petitioner who was occupying the property bearing C. S. No. 220(pt.) of Worli Division in G/South Ward (in short, the subject property), seeks to challenge an e-tender notice dated 21st November 2025 bearing no. 2025_MCGM_1248123 issued by the Brihanmumbai Municipal Corporation (in short, BMC) for granting lease of the subject property for a period of 30 years, renewable for further period of 30 years.

2. The main ground urged on behalf of the petitioner to lay a challenge to the e-tender notice dated 21st November 2025 emanates from an affidavit filed by the Authorised Officer of the BMC to the effect that the respondent shall not execute warrant of possession against the petitioner and, rather, shall initiate fresh proceedings against the petitioner in accordance with law.

3. The learned counsel for the petitioner states that there are litigations pending in this Court with respect to the subject property

and in that view of the matter, issuance of e-tender notice dated 21st November 2025 is illegal.

4. From the materials on record, we gather that litigation vide Writ Petition No. 13248 of 2023 was instituted by Mohammed Abdul Hussain Lokhandwala to challenge the order of eviction passed against him. The said writ petition was dismissed by an order dated 4th November 2023 and the Special Leave Petition (C) No.22597 of 2023 filed by him against the said order has been dismissed as withdrawn on 15th December 2023. The learned counsel for the petitioner submits that testamentary petitions viz Testamentary Petition No. 1418 of 2015 and Testamentary Petition No. 338 of 2015 are also pending in respect of the subject property.

5. The petitioner is not in possession of the subject property and, the petitioner's grandfather Mr. Dadi Mehta was evicted from the premises by an order dated 31st October 1981. Whether the e-tender notice dated 21st November 2025 involves the disputed property is a matter on which the intending bidders shall take a decision. We find that, as the petitioner has not suffered a legal wrong or injury, he would not fit into the expression 'aggrieved person' for the purpose of conferment on him locus to maintain the petition. It is also a settled law, as held by the Hon'ble Supreme Court in "*Airport Authority of India v. Centre for Aviation Policy, Safety and Research*" 2022 SCC OnLine 1334, a non-participant in the tender process cannot challenge the same. Considering the same, the petitioner, at this stage, has no locus to challenge the e-tender notice dated 21st November 2025.

6. Writ Petition No. 406 of 2026 is dismissed.

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[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]