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

WRIT PETITION NO.465 OF 2026

Mohd Asif Mohd Yusuf Mansuri

...Petitioner

Versus

Maharashtra Housing and Area Development
Authority & Ors.

...Respondents

Mr. Rahul R. Tiwari, for the Petitioner.

Mr. P.G.Lad a/w. Ms. Sayali Apte, for Respondent - MHADA.

Ms. Pushpa Yadav, for Respondent – BMC.

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

DATE: 28 JANUARY 2026

P.C.

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

- i. That this Hon'ble Court be pleased to issue a writ of Mandamus or any other appropriate writ, order, or direction directing Respondent Nos. 1 to 6 to strictly enforce the provisions of the Maharashtra Housing and Area Development Act, 1976 and the Development Control and Promotion Regulations, 2034, and to take immediate action against Respondent Nos. 7 and 8 for carrying out illegal, unauthorized, and non-conforming construction in the redevelopment of Dwarkadas Building, bearing C.S. No.4113 of Bhuleshwar Division;*
- ii. That this Hon'ble Court be pleased to direct Respondent No.7 to forthwith execute the Permanent Alternate Accommodation Agreement (PAAA) in favour of the Petitioner on terms consistent with the sanctioned scheme and statutory obligations;*
- iii. That this Hon'ble Court be pleased to direct the Respondent No. 7 to allot to the Petitioner a shop strictly in accordance with his lawful entitlement, 1.e., not less than 300 sq. ft. carpet area (inclusive of 20% additional area) with an entrance breadth equivalent to the original shop, in compliance with DCPR 33(T) and the sanctioned*

redevelopment scheme;

iv. That this Hon'ble Court be pleased to direct the Respondent No. 7 to pay arrears of transit rent from 05.06.2024 till the date of handing over lawful possession with interest of 18%, and to continue paying transit rent until lawful possession is granted in accordance with law;

v. That this Hon'ble Court be pleased to issue a writ of Mandamus or any other appropriate writ, order, or direction directing Respondent Nos. 4 and 6 (MCGM authorities) to conduct an independent and detailed site inspection of the subject building and to initiate demolition, rectification, of penal action in respect of all illegal constructions, deviations, and unauthorized commercial use, including the illegal conversion of the sanctioned staircase area into a shop;

vi. That this Hon'ble Court be pleased to issue appropriate directions to Respondent Nos. 1 to 6 to initiate departmental inquiry and disciplinary proceedings against the concerned officials of MHADA, MBRR Board, and MCGM for collusion, negligence, and failure to discharge statutory duties, which resulted in illegal construction and wrongful deprivation of the Petitioner's rights;

vii. That pending the hearing and final disposal of this Petition the Hon'ble Court be pleased to direct respondent No. 7 to immediately return all original title and tenancy documents belonging to the Petitioner;

viii. That pending the hearing and final disposal of this Petition the Hon'ble Court be pleased to direct respondent No. 1 to 6 staying further construction, occupation, or commercial use of the redeveloped building until full compliance with sanctioned plans and statutory approvals;

2. It is the Petitioners grievance that Respondent No. 7 i.e. Arak Developers has failed to execute the Permanent Alternate Accommodation Agreement (PAAA) as per the sanctioned scheme and not paid the arrears of the transit rent from 5th June 2024 till the date of handing over lawful possession with interest at the rate of 18%. The Petitioner has also raised a grievance that his entitlement in respect of the area of the shop is much higher than what Respondent No. 7 seeks to offer to the Petitioner. The Petitioner has also raised other grievances in the aforesaid petition.

3. We have heard learned counsel on behalf of the Petitioner, Respondent No. 1-MHADA and Respondent No. 4- MCGM. Considering the limited relief which is being sought in the present petition and although there being no written opposition/reply of the Respondents, considering the nature of the order we propose to pass, no prejudice would be caused to the Respondent. The following orders would serve the ends of justice :-

ORDER

- i) The Chief Executive Officer of Respondent No. 1 – MHADA or any other Competent Authority of Respondent No. 1 - MHADA to decide the issues of non-payment of transit rent and failure to execute appropriate PAAA as per sanctioned scheme by Respondent No. 7 in favour of the Petitioner preferably within a period of six weeks from the date this order is made available to the said Respondent by the Petitioner. We also clarify that factual aspects in the Petition can also be gone into while deciding the aforesaid issues regarding non-payment of transit rent and failure to execute PAAA as per sanctioned scheme. The Petitioner will be at liberty to canvass all their contentions including the contentions as raised in this Petition before the Chief Executive Officer/Competent Authority of Respondent No.1-MHADA. Let all parties be heard.
- ii) All rights and contentions of the parties are expressly kept open.
- iii) Writ Petition is disposed of in the above terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)