

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

WRIT PETITION NO. 1512 OF 2026

Sheron Santan Rodrigus

... Petitioner

Versus

State of Maharashtra

... Respondents

WITH

WRIT PETITION (L) NO. 1310 OF 2026

Domnic Paul Godinho

... Petitioner

Versus

State of Maharashtra

... Respondents

Mr. J. M. D'Silva a/w. Ms. Jacqueline D'Silva and Mr. Raj Nagre for the Petitioners.

Mrs. Manisha Jagtap for the Respondent-MHADA.

Ms. Anjali Ghuge for Respondent Nos.7 & 8-BMC.

Mr. Pratap Manmohan Nimbalkar i/b Jayesh Gawde for Respondent No.10.

Smt. Vrushali Kabre, AGP a/w. Mr. Nishigandh Patil, AGP for the Respondent-State.

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

DATED : 9th APRIL, 2026.

P.C. :

1. Heard learned counsel for the petitioners and learned counsel for the respondents.
2. The petitioners pray for directions to respondent No.3-The Mumbai Building Repairs & Reconstruction Board (MHADA) and its officers to

rectify the erroneous certification of residential room in the possession of the petitioners which according to learned counsel is not a Gala mentioned in the Certification No.41 annexed to letter dated 11th November, 2024. It is further prayed that respondent Nos.3 to 5 examine the documents produced by the petitioners prior to the datum line which show that the petitioners being eligible for an alternate accommodation upon redevelopment of Final Plot No. 140.

3. Learned counsel for the petitioners relied upon various documents, which according to him, are not properly considered by respondent No.3. One such document is at page No.119 of the paper-book which is assessment in respect of Register Inspection of Properties of the years 1992 to 1995. The said document is disputed by the learned counsel for the respondents.

4. Learned counsel for the petitioners submitted that the petitioners are willing to vacate the subject structure within a period of three weeks from today. In any case, if the MHADA certifies the petitioners to be the occupants, the learned counsel for the developers submits that the petitioners would be given the permanent alternate accommodation. Learned counsel for the developers submits that on the petitioners vacating the suit structure, till the time the decision is taken on the rectification of the certification, the rent as payable to other occupants will be paid to the

petitioners. In case, the certification is rectified, the petitioners would continue to receive the rent from the developers.

5. In this view of the matter, in the facts and circumstances of the case, it would be appropriate if the petitioners prefer a detailed representation to respondent No.3 along with supporting documents relied upon in this petition requesting for rectification of the erroneous certification. On receipt of such representation, which is to be made within a period of two weeks, respondent No.3 to consider the representation on its own merits and in accordance with law for the purpose of examining whether the exclusion of the petitioners is erroneous and whether the certification needs to be rectified in accordance with law within a period of four weeks from the date of representation.

6. In view of the above, the petitioners are granted 3 weeks time to vacate the subject structure subject to filing the petitioners' undertaking within a period of one week on usual terms.

7. The petitions are disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)