

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

WRIT PETITION (L) NO.34771 OF 2024
WITH
INTERIM APPLICATION (L) NO.20843 OF 2025

Javed Abdul Rahim Attar
versus
MHADA and others

Petitioner
Respondents

WITH
WRIT PETITION (L) NO.1105 OF 2025
WITH
INTERIM APPLICATION (L) NO.10427 OF 2025

Abdur Razzaq Ismail Holy
versus
MHADA and others

Petitioner
Respondents

WITH
WRIT PETITION NO.934 OF 2025

Bharat Kishormal Shah
versus
State of Maharashtra and others

Petitioner
Respondents

WITH
WRIT PETITION NO.1783 OF 2024

Bhagwati Gordhandas
versus
versus
MHADA and others

Petitioner
Respondents

WITH
WRIT PETITION NO.2545 OF 2025

Ferzana Abdur Rahman Adam
versus
MHADA and others

Petitioner
Respondents

WITH
WRIT PETITION NO.2637 OF 2025

Dharsey Khetsey Charities Trust
versus
State of Maharashtra and others

Petitioner
Respondents

WITH
INTERIM APPLICATION NO.1382 OF 2024
IN
APPEAL NO.522 OF 2009

Yasmin Mohammed Hussain Shariffi and others	Applicants
versus	
Mohd. Hussain Gulamali Shariffi (deceased) and others	Respondents

WITH
WRIT PETITION NO.2109 OF 2025

Jayshree Subhash Parekh	Petitioner
versus	
The State of Maharashtra and others	Respondents

WITH
WRIT PETITION (L) NO.17966 OF 2025

Renu Agarwal @ Pilaniwala	Petitioner
versus	
MHADA and others	Respondents

WITH
WRIT PETITION NO.2796 OF 2025

Kathawala Realtors LLP	Petitioner
versus	
State of Maharashtra and others	Respondents

WITH
WRIT PETITION (L) NO.20495 OF 2025

Yasmin Mohammed Hussain	Petitioner
versus	
State of Maharashtra and others	Respondents

WITH
WRIT PETITION NO.4138 OF 2024

Haamidali Roshanali Nasser	Petitioner
versus	
State of Maharashtra and others	Respondents

WITH
WRIT PETITION NO.4208 OF 2024

Nirban Housing and Development LLP	Petitioner
versus	
State of Maharashtra and others	Respondents

WITH
WRIT PETITION NO.4247 OF 2024
WITH
INTERIM APPLICATION N(L) NO.8139 OF 2025

Vijay Anant Nagwekar	Petitioner
versus	
MCGM and others	Respondents

WITH
WRIT PETITION (L) NO.32822 OF 2024

Mohammed Hassan Loonat	Petitioner
versus	
State of Maharashtra and others	Respondents

WITH
WRIT PETITION (L) NO.32824 OF 2024

Ahmed Mohamed Surtee	Petitioner
versus	
State of Maharashtra and others	Respondents

WITH
WRIT PETITION (L) NO.32826 OF 2024

Mohamed Arif Omar Koor	Petitioner
versus	
State of Maharashtra and others	Respondents

Mr.N.V.Walawalkar, Senior Advocate, i/by Mr.A.S.Rao for petitioner in WP(L).37441/2024.

Mr.M.M.Vashi, Senior Advocate, with Mr.P.Desai i/by M/s.M.P.Vashi and Associates for Applicants in IA(L).20843/2025.

Ms.Vidita S.Bhalekar i/by Mr.Sameer Bhalekar forfor Petitioner in WP.4247/2024.
Mr.Zohib Sameer i/by Patel Associates for Petitioner in WP(L).32822/2024 and 32824/2024.

Ms.Firdauce Moosa i/by Mr.Prakash Mahadik for Petitioner in WP(L).1105/2025.
Mr.Akshay Doctor with Mr.Sahil Harjani, Ms.Riddhi Badheka i/by Desai & Diwanji for Petitioner in WP.2545/2025.

Mr.Mayur Khandeparkr with Mrs.Yasmin Bhansali and Ms.Prabjyot Kaur Kler i/by Ysmin Bhansali & Co. for petitioner in WP.934/2025.

Ms.Babita Kesharwani for Respondent no.4 in WP.1783/2024.

Mr.Dhavall Gandhi i/by Tushar Goradia, for Respondent no.3 in WP(L).17966/2025.

Ms.Anjali Ghuge i/by Mrs.Komal Punjabi for BMC.

Mr.Nishigandh Patil, AGP in WP(L).34771/2024.

Mr.Rakesh Pathak, AGP in WP(L).1105/2025.

Mr.S.B.Gore, AGP, in WP No.934/2023.

Mr.Prashant Kamble, AGP, in WP.2637/2025.

Mr.Manish Upadhye, AGP, in WP.2109/2025.

Smt.Poonam Mital, AGP in WP.2796/2025.

Smt.Gaurngi Patil, AGP in WP(L).20495/2025.

Smt.Vrushali Kabre, AGP in WP.4138/2024.

Smt.Manisha Gawde, AGP in WP.4247/2024, 4208/2024 and WP(L).32822/2024.

Smt.Lavina Kriplani, AGP in WP(L).32824/2024.

Smt.Rita Joshi, AGP in WP(L).32824/2024.

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

DATE: 19th December 2025

P.C.

1. In pursuance of our order dated 17th December 2025, affidavit of Mr.Rupesh Raut, Resident Executive Engineer, is placed on record, more particularly highlighting the emergent issues which arise in respect of several extremely dangerous buildings and the steps which are proposed to be taken by

MHADA. However, as a short time was available, a comprehensive affidavit could not be prepared and filed.

2. We have discussed several issues which, in our opinion, ought not to be adversarial to the parties, however, which need to pave way for redevelopment of several buildings, which are cess buildings falling within the provisions of the Maharashtra Housing and Area Development Act, 1976, which either need to be immediately vacated and/or appropriate actions of repairs or reevelopment need to be taken. We are informed by MHADA that there are about 12,500 buildings waiting for redevelopment. We are also informed that 181 buildings are “dangerous buildings” and there are 96 buildings which are “extremely dangerous”.

3. Let all the details in that regard and steps which otherwise will be required to be taken in accordance with law, in regard to each of the categories of these buildings, be placed on record on a comprehensive affidavits which the MHADA intends to file, as stated by Mr.Lad.

4. We also request Mr.Walawalkar and Mr.Vashi, learned Senior Advocates appearing for the parties, to assist the Court on the issues which the Court would be confronted. This more particularly as large number of buildings are either awaiting redevelopment as also there are dangerous and extremely dangerous buildings. This has also come to light, in view of the recent incident as encountered by the Committee appointed by this Court which is visiting several buildings, although in the context of inquiry in regard to notices issued under Section 79A of MHADA Act. However, such visit of the Committee has been an eye opener, inasmuch as, it has brought to light, an eminent need for urgent steps being required to be taken, so that the landlords and the tenants in such buildings do not suffer on such counts. Human life is paramount. The Court would be required to consider all these issues, on the adjourned date of hearing, and with the assistance of learned counsel for the parties, an endeavour can be made to bring about a situation that life of the occupants in these buildings, be made more safe, happier and peaceful by resolving the bottlenecks keeping in mind safety of the occupants to be paramount.

5. Learned counsel for the MHADA and the parties have fairly agreed that all such issues including the issues of pending proposal with the State Government would be placed before the Court. We accordingly adjourn the proceedings to **14th January 2026**.

6. Let a comprehensive affidavit be filed on or before 8th January 2026 and be circulated to all the parties.

7. We, however, clarify that consideration of all these issues would not in any manner prevent MHADA from taking appropriate actions in accordance with law to deal with emergent situations.

8. Stand over to **14th January 2026**.

9. At this stage we record the consensus on behalf of the parties that, as this Bench has passed substantive orders on the present proceedings and was monitoring such issues, learned counsel for the parties request that the proceedings be treated 'part heard', in the event of change in the assignment. The parties need to move the Hon'ble the Chief Justice for the proceedings to be placed before the appropriate Bench.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)