

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 1105 OF 2025

Abdur Razzaq Ismail Holy & Anr. ...Petitioners
Versus
Maharashtra Housing And
Area Development Authority & Ors. ...Respondents

WITH
INTERIM APPLICATION (L) NO. 10427 OF 2025
WITH
INTERIM APPLICATION NO. 1382 OF 2024
IN
APPEAL NO. 522 OF 2009

Ms. Firdaus Moosa i/b Prakash Mahadik for the Petitioner.
Mr. Sorosh Bharucha a/w Vishal P. Mr. Rajendra A. Rathod, Mr. Dhruv Jain i/b
Sufiyan Shaikh for Intervenor in IA(L)/10427/2025.
Mr. Akshay P. Shinde for the Respondent-MHADA.
Ms. K. H. Mastakar i/b Ms. Komal Punjabi for Respondent No. 3-BMC.
Mr. Rakesh Pathak, AGP, for Respondent No. 4-State.

CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.

DATE: 08th JULY 2025

P.C.

1. Today, in a similar proceedings, we had passed a serious order making observations in regard to the high-handed action on the part of the MHADA officers who issued notices under Section 79-A without the basic requisites of the said provisions being complied. This is an another case, where the Executive Engineer, Mr. Nitin Dongare, has proceeded to issue a notice again completely shutting his eyes to the basic requirements of the said provision. In this case also,

there is no notice issued under Section 354 of the MMC Act to categorize the building as dangerous as also there is no declaration by the Competent Authority as constituted under Section 65 of the MHADA Act has been made.

2. In this view of the matter, we have no alternative but to direct the Vice-Chairman to make the position clear as to whether the MHADA would nonetheless considers the impugned notices dated 07.11.2023 and 06.09.2024, issued under Section 79-A, as legal and valid.

3. List the matter on **10th July, 2025**, to be listed along with Writ Petition (L) No. 20495 of 2025.

4. Ad-interim orders passed earlier shall continue to operate until the adjourned date of hearing.

5. A copy of this order be forwarded by Mr. Akshay Shinde, learned Counsel for MHADA, to the Vice-Chairman of the MHADA.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)