

VAISHALI  
ANIL  
TIKAM

*V.A. Tikam*

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

WRIT PETITION (L) NO.9898 OF 2025

Ramesh Kashinath Gangnaik & Ors.

...Petitioners

*Versus*

The Principal Secretary Housing Department & ...Respondents  
Ors.

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Mr. Mayur Khandeparkar a/w. Mr. Shakeeb Shaikh a/w. Mr. Shreyas Mahavir i/by. Mr. Gananan Shinde for Petitioners.

Mr. Manish Upadhye, AGP for Respondent Nos.1 and 6.

Mr. Akshay Shinde for Respondent Nos.1 to 5.

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CORAM : R.I. CHAGLA J

DATE : 28 March, 2025

**ORDER :**

1. Mr. Khandeparkar, learned counsel appearing for the Petitioners has tendered the Draft Amendment for adding M/s. Vinayak Enterprises and Sahyadri CHS (Proposed) as Respondent Nos.7 and 8 in the cause title of the Petition as well as consequential amendments including relief. The said Draft Amendment is taken on record and marked 'X' for identification.

2. The Petitioners are permitted to amend the Writ Petition in terms of the draft amendment marked 'X' within a period of one week from today. Re-verification is dispensed with.

3. Mr. Khandeparkar states that the Advocate on record undertakes to remove all office objections prior to the next date.

4. By this Writ Petition, the Petitioners are impugning the orders dated 28 February, 2025 and 17 March, 2025 passed by Respondent No.4 and seeking quashing and setting aside of the Impugned Orders.

5. Mr. Khandeparkar has referred to the impugned orders (Exhibit 'A') to the Petition dated 28 February, 2025 and 17 March, 2025. By the impugned order, the Respondents have withdrawn the status quo and stay order issued by Deputy CEO/ Authority MHADA dated 2 December, 2024 and proceeded for taking action against the Petitioners. The tenants/occupants which includes the Petitioners have been directed to take rental compensation from the NOC holder and execute alternate permanent accommodation agreement (PAAA) with the NOC holder and hand over vacant possession of their

premises situate at the subject building within 7 days failing which summary eviction will be initiated as laid down under section 95A(2) of MHADA Act, 1976.

6. Mr. Khandeparkar has referred to the status quo order dated 2 December, 2024 which had been passed by the Deputy CEO, MHADA, wherein it is stated that there are alleged irregularities in tenants' verification process, appointment of developer etc. and complaints have been received in connection therewith. Considering the gravity of the complaints, the status-quo prevailing on 28 November 2024 has been directed to be maintained by not taking action with regard to granting any permission/NOC etc. pertaining to the said project till further orders from CEO, Mhada.

7. Mr. Khandeparkar has referred to the communication dated 20 December, 2024 wherein the process of verification of the tenants is on going. He submitted that in spite of the on going verification of tenants, the impugned order dated 28 February, 2025 and 17 March, 2025 have been passed vacating the status-quo order dated 2 December, 2024. He has accordingly sought for stay of the impugned orders.

8. The learned counsel appearing for MHADA - Respondent Nos.1 to 5 has referred to the Division Bench order dated 18 January 2023 and has submitted that the status-quo order had fallen for consideration before the Division Bench.

9. Mr. Khandeparkar has pointed out that the order dated 18 January, 2023 passed by the Division Bench could not have considered the status-quo order of 2 December, 2024 as the order of Division Bench is dated 18 January, 2023.

10. Considering that there has been a status-quo order which was prevailing on 28 November, 2024 and which has been further directed to be maintained on 2 December, 2024, in my prima facie view, the status-quo order has abruptly withdrawn by the Respondents- MHADA, in spite of ongoing verification of tenants. Accordingly, till the next date there shall be a stay to the impugned orders dated 28 February, 2025 and 17 March, 2025 passed by Respondent No.2 and the Respondents are directed not to take coercive steps pursuant to the impugned order dated 28 February, 2025 and dated 17 March, 2025.

11. Respondents-MHADA shall file their affidavit-in-reply to the writ petition within a period of two weeks from today. The Petitioners are at liberty to file affidavit-in-rejoinder, if any, within a period of one week thereafter.

12. The Writ Petition shall be placed for consideration on 23rd April, 2025.

**[R.I. CHAGLA J.]**