

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

WRIT PETITION NO. 1360 OF 2021

D N Nagar Mangalmurti Co Operative
Housing Society Ltd.

...Petitioners

Versus

Mumbai Housing Area Development Authority
And 4 Others

...Respondents

WITH

**WRIT PETITION NO. 138 OF 2022 ,
WRIT PETITION (L) NO. 704 OF 2022,
WRIT PETITION (L) NO. 998 OF 2022,
WRIT PETITION NO. 909 OF 2016,
WRIT PETITION NO. 1161 OF 2017,
WRIT PETITION NO. 704 OF 2016,
WRIT PETITION (L) NO. 2816 OF 2022,
WRIT PETITION NO. 2767 OF 2022,
WRIT PETITION (L) NO.4266 OF 2022,
WRIT PETITION NO. 1068 OF 2016,
WRIT PETITION NO. 4992 OF 2022,
WRIT PETITION NO. 1314 OF 2016,
WRIT PETITION (L) NO. 7180 OF 2022,
WRIT PETITION NO. 1000 OF 2016,
WRIT PETITION NO. 1679 OF 2017,
WRIT PETITION (L) NO. 7581 OF 2022,
WRIT PETITION NO. 1816 OF 2016,
WRIT PETITION (L) NO. 8126 OF 2022,
WRIT PETITION (L) NO. 8142 OF 2022,
WRIT PETITION (L) NO. 8279 OF 2022,
WRIT PETITION (L) NO. 8447 OF 2022,
WRIT PETITION (L) NO. 8722 OF 2022,
WRIT PETITION (L) NO. 8731 OF 2022,
WRIT PETITION (L) NO. 8733 OF 2022,
WRIT PETITION NO. 822 OF 2017,
WRIT PETITION (L) NO. 9667 OF 2022,**

WRIT PETITION (L) NO. 9673 OF 2022,
WRIT PETITION (L) NO. 9685 OF 2022,
WRIT PETITION NO. 920 OF 2017,
WRIT PETITION NO. 905 OF 2017,
WRIT PETITION NO. 1226 OF 2016,
WRIT PETITION NO. 1899 OF 2016,
WRIT PETITION NO. 3381 OF 2018,
WRIT PETITION NO. 1705 OF 2018,
WRIT PETITION NO. 1937 OF 2016,
WRIT PETITION (L) NO. 12206 OF 2022,
WRIT PETITION (L) NO. 12212 OF 2022,
WRIT PETITION (L) NO. 12361 OF 2022,
WRIT PETITION NO. 2488 OF 2022,
WRIT PETITION NO. 2351 OF 2022,
WRIT PETITION NO. 1996 OF 2016,
WRIT PETITION NO. 1997 OF 2016,
WRIT PETITION NO. 2000 OF 2016,
WRIT PETITION (L) NO. 13515 OF 2022,
WRIT PETITION NO. 2247 OF 2016,
WRIT PETITION (L) NO. 14032 OF 2022,
WRIT PETITION (L) NO. 14321 OF 2022,
WRIT PETITION (L) NO. 14328 OF 2022,
WRIT PETITION (L) NO. 14484 OF 2022,
WRIT PETITION NO. 1492 OF 2016,
WRIT PETITION (L) NO. 16598 OF 2022,
WRIT PETITION (L) NO. 16659 OF 2022,
WRIT PETITION NO. 455 OF 2017,
WRIT PETITION (L) NO. 17473 OF 2022,
WRIT PETITION (L) NO. 17478 OF 2022,
WRIT PETITION (L) NO. 17485 OF 2022,
WRIT PETITION (L) NO. 17501 OF 2022,
WRIT PETITION NO. 2604 OF 2016,
WRIT PETITION NO. 2363 OF 2017,
WRIT PETITION NO. 2716 OF 2017,
WRIT PETITION NO. 2387 OF 2016,
WRIT PETITION NO. 2327 OF 2016,
WRIT PETITION (L) NO. 18290 OF 2022,
WRIT PETITION NO. 3018 OF 2021,

WRIT PETITION NO. 404 OF 2017,
WRIT PETITION NO. 2985 OF 2018,
WRIT PETITION NO. 2038 OF 2016,
WRIT PETITION NO. 2090 OF 2021,
WRIT PETITION NO. 1338 OF 2017,
WRIT PETITION NO. 216 OF 2019,
WRIT PETITION NO. 2818 OF 2016,
WRIT PETITION NO. 2536 OF 2017,
WRIT PETITION NO. 596 OF 2013,
WRIT PETITION NO. 2539 OF 2018,
WRIT PETITION NO. 2903 OF 2018,
WRIT PETITION NO. 572 OF 2020,
WRIT PETITION (L) NO. 24880 OF 2021,
WRIT PETITION (L) NO. 24883 OF 2021,
WRIT PETITION (L) NO. 24885 OF 2021,
WRIT PETITION NO. 2615 OF 2017,
WRIT PETITION NO. 2774 OF 2016,
WRIT PETITION (L) NO. 26984 OF 2021,
WRIT PETITION NO. 206 OF 2016,
WRIT PETITION NO. 2826 OF 2016,
WRIT PETITION NO. 38 OF 2022,
WRIT PETITION (L) NO. 29612 OF 2021,
WRIT PETITION NO. 989 OF 2018,
WRIT PETITION NO. 597 OF 2018,
WRIT PETITION NO. 550 OF 2017,
CHAMBER SUMMONS NO. 89 OF 2017
IN
WRIT PETITION NO. 550 OF 2017
WITH
WRIT PETITION(ST) NO. 18616 OF 2022
WRIT PETITION(ST) NO. 18755 OF 2022

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- Dr. Milind Sathe, Senior advocate along with Ms. Rujuta Patil i/by M/s. Negandhi Shah & Himayatullah, for the Petitioner in WP/596/2013.
- DR. Milind Sathe, Senior Advocate along with Mr. Bhushan

Deshmukh, Mrs. Jasmine Kachlia, Mr Aryan Srivastava, Deepu Jojo i/by M/s. Wadia Ghandy & Co for the Petitioner in WP/2529/2018.

- Mr. M. M. Vashi, Senior Advocate i/by Ms. Ria Jain, for the Petitioner in WPL/14032/2022.
- Mr. M. M. Vashi, Senior Advocate along with Ms. Manisha Desai, Jaynil Vashi i/by M/s. M . P. Vashi & Associates for the Petitioner in WPL/8126/2022, WP/122016/2022 and WP/12212/2022.
- Mr. Chirag Bhavsar along with Ms. Aarti Sonawane i/by M/s. VIS Legis Law Practice for the Petitioner in WPL/20227/2022.
- Ms. Archana Karmokar i/by M/s. Law Origin for the Petitioner in WPL/18616/2022 and WPL/18755/2022.
- Mr. Arun Panickar along with Rochelle Fernandes i/by M/s. Mhatre Law Associates for the Petitioner in WPL/18544/2022, WPL/18561/2022.
- Mr. Arshad Diamondwala i/by M/s. Diamondwala & co. For the Petitioner in WP/2716/2017 and WP/2263/2017.
- Mr. Arun Panickar, for the petitioner in WP/1360/2021.
- Mr. Dipen Furia and Ms. Nidi Shah i/by M/s. Shah and Furia Associates for the Petitioner in WP/2615/2017.
- Ms. Tulsi Shah i/by Mr. Akash Shah, for the Petitioner in WPL/8447/2022, WPL/9667/2022, WPL/9685/2022, WPL/12361/2022, WPL/14321/2022, WPL/14328/2022 and WPL/14484/2022.
- Mr. Aditya Shiralkar along with Mr. Vivek Shiralkar, Ms. Yashoda Desai and Mr. Vijay Poojari i/by M/s. Shiralkar & co for the Petitioner in WP/822/2017, WP/920/2017 and WP/2351/2022.
- Mr. Sanjay Kadam along with Mr. Sanjeel Kadam, Ms. Sayli Rajpurkar, Mr. Nitish Lad i/by M/s. Kadam & company for the Petitioner in WP/2193/2022 and WP/1492/2016.
- Mr. Saket Mone along with Mr. Devansh Shah i/by M/s. Vidhii Partners, for the Petitioner in WPL/17850/2022, WPL/17633/2022 and WPL/17675/2022.
- Mr. Saket Mone along with Mr. Subit Chakraborti and Mr. Devansh Shah i/by M/s. Vidhii Partners, for the Petitioner in WP/909/2016, WP1068/2016. WP/1314/2016,

WP/1937/2016, WP/2247/2016. WP/1000/2016, WP/2318/2016, WP/1226/2016, WP/1161/2017, WP/989/2018. WP/3381/2018, WP/1705/2018 and WP/2985/2018.

- Mr. Ativ Patel along with Mr. Darshit Dave, Viloma Shad, Mr. Harshad Vya i/by M/s.AVP Partners for the Petitioner in WPL/16659/2022.
- Mr. Chirag Mody along with Mr. Sridhar K. Chari, for the Petitioner in WP/2536/2017.
- Ms. Rujuta Patil i/by M/s. Negandhi Shah & Himayatullah, for the Petitioner in WP/2038/2016 and WP/550/2017.
- Mr. Sanjeev Sawant for the Petitioner in WPL/4992/2022.
- Mr. Nivit Srivastava along with Ms. Sneha Patil and Mr. Saurabh Kshirsagar i/by M/s. Maniar Srivastava Associates for the Petitioner in WPL/704/2022, WPL/998/2022, WPL/7180/022, WPL/7581/2022, WPL/8142/2022, WPL/8722/2022, WPL/8731/2022, WPL/8733/2022, WPL/17473/2022, WPL/17478/2022, WPL/17485/2022, WPL/17501/2022, WPL/18252/2022, WP/404/2017, WP/2090/2021, WPL/24880/2021, WPL/24883/2021, WPL/24885/2021, WPL/26984/2021m WP/38/2022, WPL/29612/2021 and Respondent No..4 in WP/1360/2021 and WP/3018/2021.
- Mr. Bhushan Deshmukh along with Ms. Monisha Mane Bhangale, and Ms. Nikita Menon i/by M/s. Parniam Law Associates, for the Petitioner in WPL/9673/2022.
- Mr. Bhushan Deshmukh along with Ms. Miloni Gala i/by Mr. Dhiren Shah,for the Petitioner in WP/138/2022.
- Mr. Dhiren Shah along with Ms. Miloni Gala for the Petitioner in WP/2488/2022.
- Mr. Viraj Jadhav along with Mr. Ashwin Sawlani i/by Ms. Reena Salunke, for the Petitioner in WP/1966/2016, WP/1997/2016 to WWP/2000/2016.
- Mr. Kevin Pereira i/by Mr. Chinmay Acharya for the Petitioner in WP/2903/2018.
- Mr. K. D. Jha for the Petitioner in WP/2988/2022.
- Mr. Pradip R. Kadam for the Petitioner in WPL/16598/2022.
- Mr Ashutosh Kumbhakoni, Advocate Genral along with Ms.

- Sayli Apte i/by Mr. P. G. Lad for the Respondents -Mhada.
- Mr. Joaquim Reis, Senior Advocate along with Ms. Oorja Dhond, Respdent in WPL/17633/2022 and WPL/17675/2022 – M.C. G.M.
 - Mr. Rajesh Patil along with Ms. Oojra Dhond for the Respondents – M.C.G. M.
 - Ms. P. H. Kantharia, Government Pleader, along with Mr. Abhay L. Patki, Addl Government Pleader and Mr. Milind More, Addl Government Pleader, Ms. Uma Palsuledesai, AGP,state, Mr. Hemant Haryan, AGP,state ,Ms. Laxmikant Satelkar, AGP,state , Ms. Jyoti Chavan, AGP,state , Mr. Amit Shastri, AGP,state , Mr. Sukanta Karmakar, AGP,state Mr. Kedar Dighe, AGP,state , Mr. S. B. Gore, AGP,state, Mr. M.A. Saiyed AGP,state, Mr. Himanshu Takke, AGP,state , Mr. Manish Upadhye, AGP,state and Mr. Dushyant Kumar, AGP,state for the Respondents.
 - Mr. Abhay L. Patki, Addl Government Pleader for the Respondent in Wpl/17580/2022.
 - Mr. Kedar Dighe, AGP,state , for the Respondent in WPL/5923/2022.
 - Mr. Hemant Haryan, AGP,state for the WPL/17633/2022.
 - Mr. Sukanta Karmakar, AGP, state for the Respondent in WPL/17675/2022.
 - Mr. Y. R. Mishra for the Respondents – UNION OF INDIA.
 - Ms. Sharmila Deshmukh for the Respondents in WP/1360/221, WP/138/2022, WPL/704/2022, WPL/998/2022, WPL/2816/2022, WP/2767/2022, WPL/4266/2022, 2PL/4922/2022, WPL/7581/2022, WPL/8279/2022, WPL/8447/2022, WPL/9667/2022, WPL/9673/2022, WPL/9685/2022, WPL/12361/2022, WP/2488/2022, WP/2351/2022, WPL/13515/2022, WPL/14032/2022, WPL/14321/2022, WPL/14328/2022, WPL/14484/2022, WPL/17473/2022, WPL/17478/2022, WPL/17485/2022,WPL/17501/2022, WPL/18252/2022 AND WP/3018/2021.
 - Mr. Kamlesh Ghumre along with Mrishna Eppar, for the Respondent NO.2 in WP/1816/2016 – Mhada.
 - Mr. Jagdish G. Aradwad (Reddy) for the Respondent Nos.2

and 3 -SRA in WP/1937/2016.

**CORAM : R. D. DHANUKA &
M. G. SEWLIKAR, JJ.
DATE : 27th JUNE, 2022.**

P.C. :

1. Place the Writ Petition No.2539 of 2018, Writ Petition No.596 of 2013, Writ Petition No.2038 of 2016, Writ Petition (L) No.17580 of 2022 for hearing and final disposal at the admissions stage, on 27/07/2022 at 02.30 p.m. to be heard as lead matters along with other Petitions which are on board today.
2. Learned counsel for the parties have agreed that these four matters would be argued as the lead matter. Arguments would be advanced in Writ Petition No.2539 of 2018, followed by Writ Petition No.596 of 2013, followed by Writ Petition No.2038 of 2016 and followed by Writ Petition (L) No.17580 of 2022. Insofar as the matters which are on board today, if the Respondents have not filed reply, affidavit-in-reply to be filed within two weeks and serve copy thereof on the Petitioners'

Advocate simultaneously. Rejoinder, if any, shall be filed within one week thereafter with a copy to be served on the Respondents' Advocate simultaneously.

3. The parties in these matters are at liberty to file proposition of law and copies of judgment in support of their rival contentions, with a copy thereof in advance to be served on the other side.
4. It is made clear that if the arguments are not concluded on 27/07/2022, the same would be continued on 28/07/2022 at 02.30 p.m. Learned counsel for the parties are requested to conclude their argument on the next date followed by 28/07/2022.
5. Ad-interim granted by this Court in these Petitions which are on board today, if any, to continue till the next date.

(M. G. SEWLIKAR, J.)

(R. D. DHANUKA , J.)