

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

WRIT PETITION NO. 1251 OF 2024

Ashwin Ashara & Anr.

... Petitioners

Versus

The Municipal Corporation of Greater Mumbai & Ors.

... Respondents

Mr. Vincent D'silva a/w. Mr. Sujit A. Mane and Mr. Rizwan Shaikh for the Petitioners.

Ms. Vaishali Ugale for the Respondent-BMC.

Mr. Shanay Shah i/b Ms. Vaishali Sanghvi for Respondent No.5.

Mr. Amanjhot Anand a/w. Mr. Vasim Shaikh and Ms. Prachi Badani i/b M/s. Pravin Mehta and Mithi & Co. for Respondent No.4.

CORAM : **M. S. KARNIK AND**

S. M. MODAK, JJ.

DATED : **1st APRIL, 2026.**

P.C. :

1. Heard learned counsel for the petitioners.
2. Arguable questions are raised, hence Rule.
3. Learned counsel waive service for respondent Nos.1 to 3-Corporation, respondent No.4 and respondent No.5. Respondent No.6 is a formal party, hence there is no need to issue notice.
4. Affidavit-in-Reply be filed within a period of four weeks from today. Rejoinder, if any, be filed within a period of two weeks thereafter.
5. Liberty to apply is granted for fixing a date after the pleadings are complete.

6. Learned counsel for respondent No.4-developer says that the developer is willing to hand over the possession on the same terms as recorded in the development agreement. It is open for the petitioners to accept the possession without prejudice to the rights and contentions in this petition.

7. In the meantime, the developer shall keep the premises proposed to be allotted to the petitioners vacant and no rights thereon shall be created.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)