

Gaikwad RD

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 26013 OF 2022**

Laxmi Nivruti Kamble ...Petitioner
Versus
Public Works Department & Ors ...Respondents

Mr Ashutosh Thipsay, for the Petitioner.
Mr Abhay Patki, Addl. GP, for the Respondents Nos.1, 3, 4 & 9-State.
Ms Shreya Shah, i/b PG Lad, for the Respondents Nos.2-MHADA.

**CORAM G.S. Patel &
Neela Gokhale, JJ.**
DATED: 13th March 2023

PC:-

1. The Petitioner is about 80 years old. Her case is listed today at Sr. No. 161. We noticed her entering the Court, evidently with some difficulty. She has been waiting almost the entire day. We therefore asked the Court Master to identify her case from the list and we were told it is at Sr. No. 161.

2. We took up the matter out of turn, initially to see if we could give it priority over the next few days. Fortunately, Mr Thipsay, her Advocate was present in Court. With his assistance we were shown some of the relevant facts. The Petitioner claims that she was a lawful occupant and a tenant of room No.21 Chawl, 23-B BDD

Chawl, Naigaon, Mumbai 400014. Her father-in-law was the original occupant since 1905. His name was Rama Kamble. The Petitioner married one Nivruti Kamble, Rama Kamble's son, in 1955 and came to live in these premises. From her marriage with Nivruti, she had three children, two sons and one daughter. Her sons have unfortunately passed away. Her daughter, Trupti, who is with her in court, is unmarried. In 1961, the Petitioner's father-in-law passed away. The Petitioner claims that the tenancy passed on to her husband Nivruti and they continued staying there after her father-in-law's demise and were paying rent to the Public Works Department. They got an electric meter in their own name.

3. In 1970 or 1971, a distant relative requested the family to accept one Namdeo Shinde, the father of Respondents Nos. 5 to 8, to reside with them as a guest in these premises for a few days. This is the genesis of what has befallen the Petitioner, as set out in the Petition. The short point, according to the Petitioner, is that Shinde came to stay and then took over the house. She and her husband faced proceedings for 'unlawful subletting'. They have gone to one authority after another, but to no avail.

4. The Petitioner says she has been thrown on the streets. She has no roof on her head. Quite literally, she lives out in the open at Azad Maidan, and occasionally faces forcible eviction and evacuation from there by the police. She has been rendered homeless. It seems that the Petitioner's health is so poor that her daughter cannot leave her alone and therefore cannot take up a job.

5. We will take up the matter on a priority basis. We will endeavour to see if some arrangement, at least temporarily and on a no equities basis can be made for the Petitioner.

6. Since this involves the BDD Chawls, which are owned by the Maharashtra Housing Area and Development Authority (“MHADA”), we request the intervention and assistance of Mr PG Lad. A set of papers shall be provided to him. We also request the Mr Thipsay to give private notice to the 5th Respondent said to be in residence in Room No.21 enclosing a copy of this order and stating that the matter will be taken up for urgent interim or ad-interim relief on the supplementary board on Thursday, 16th March 2023 at 10:30 am.

7. We request Mr Lad to keep available the MHADA files in regard to Room No.21.

(Neela Gokhale, J)

(G. S. Patel, J)

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