

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

WRIT PETITION (L) NO.39233 OF 2025

Malan Baburao Beekar and another

Petitioners

versus

The State of Maharashtra through the Principal
Secretary, Housing Department and others

Respondents

Mr.Ajay Saravde for Petitioner.

Mr.Manish Upadhye, AGP for Respondents 1, 3 and 4.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 17th December 2025

P.C.

1. Issue notice to the Respondents returnable on 22nd December 2025.

Learned AGP waives service for Respondent nos.1, 3 and 4.

2. The Petitioners' case is that Petitioner no.1 is a widow of Baburao Bedekar who is occupying the tenement along with Petitioner no.2 being Room No.81, Chawl No.18, B.D.D.Chawl, N.M.Joshi Marg, Worli, Mumbai. The case of the Petitioners is that the Petitioners are in occupation of the said tenement since the year 1986, although the tenement was indicated in the plan as a common bathroom. It is the case of Petitioners that all the occupants of the B.D.D.Chawl have been granted a permanent alternate accommodation. The Petitioners are similarly placed, however, merely because the Petitioners' tenement is categorized as a common bathroom, the Petitioners are being deprived of such benefits. It is also the Petitioner's case that there are several common bathrooms which are being

used as tenements for a long number of years. Hence no eviction action should be taken, unless a permanent alternate accommodation is granted to the Petitioners.

3. We have perused the record. Prima facie there appears to be substance in the contentions as urged on behalf of the Petitioners. It appears to be a sad reality that even a common bathroom was permitted to be used and recognized as a residential tenement and is occupied for several years. Be that as it may, if the factual situation is as what has been contended by the Petitioners is correct, in that event necessarily the occupants of common bathrooms also need to be treated at par with other occupants.

4. We accordingly direct the Respondents to place on record reply affidavit in regard to the stand the Respondents would intend to take in respect of grant of permanent alternate accommodation.

5. We also direct a Court Officer to visit the premises of the Petitioners and make a report as to whether the premises are residential premises along with photographs and not actually a bathroom. The Court Officer appointed by the Prothonotary and Senior Master of this Court shall visit the subject premises tomorrow at 3.00 pm and place his/her report before this Court on or before the adjourned date 22nd December 2025. Learned advocate for the Petitioners is directed to provide the correct address of the premises to the Prothonotary & Senior Master and shall also make arrangement to take the Court Officer to the premises, at which point of time the representatives of MHADA shall also remain present. A copy of this order be also forwarded by learned AGP to the Competent Officer so that the representative of the Respondent remains present.

6. The Respondents are directed to deposit Rs.5,000/- (Rs.Five Thousand only) by tomorrow 18th December 2025 with the Registry of this Court for the necessary expenses of the visit, as also towards the photographs, which shall be taken.
7. List the matter **first on Board** on **22nd December 2025**.
8. Till the adjourned date, no coercive action be taken against the Petitioners' tenement.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)