

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

WRIT PETITION (L) NO. 39233 OF 2025

Malan Baburao Badekar & Anr. ...Petitioners
Versus
The State of Maharashtra & Ors. ...Respondents

Mr. Ajay Saravde a/w Rajesh Saravde, Tejaswi Thorat, Shivaji Shinde, Abhinav Kumar, Dhanashree Vaity, Lalita Sawant for Petitioners.

Mr. Manish Upadhye, AGP for the State.

Mr. P. G. Lad a/w Sayali Apte, Anjali Maskar for the MHADA.

Ms. Janvi Jathade, Ex. Eng. (BDD Chawl) present.

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

DATE: 23rd DECEMBER 2025

P.C.

1. In the orders passed by us on 22nd December 2025 wherein we have observed on the plight of the Petitioner who is a widow and a senior citizen and who is occupying the tenement since last 45 years, which was surprisingly categorized as a bathroom. Accordingly, proceedings were adjourned today to enable Mr. Upadhye, learned AGP, to take instructions. The State now intends to place a reply affidavit on record.

2. Let reply affidavit on behalf of the State as also MHADA be filed on or before 5th January 2026, after the approval of the Hon'ble Minister for Housing who is required to give a special consideration of the issues as involved.

3. The proceedings to be listed on 7th January 2026 (HOB).
4. Till the adjourned date of hearing, the ad-interim orders passed earlier shall continue to operate.
5. In the meantime, it shall be open to the Petitioner to accept transit accommodation, without prejudice to the rights and contentions of the Petitioner. Any offer letter issued by MHADA to the Petitioner shall also be without prejudice to the rights and contentions of the Petitioner in the present proceedings. However, we make it clear that the petitioner vacating the tenement cannot be a fait accompli in further steps if any which would be taken to hold the petitioner eligible for a permanent alternate accommodation.
6. In these circumstances, it is left entirely to the volition of the Petitioner whether or not to accept the offer of transit accommodation.
7. If any party seeks vacating or modification of the orders passed by us, liberty is granted to apply before the Vacation Court, in case of urgency.
8. MHADA as well as the State Government are directed to file their reply affidavits.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)