

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

WRIT PETITION (L) NO.39233 OF 2025

Malan Baburao Badekar

Petitioner

versus

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

Respondents

Mr.Ajay H.Saravde for Petitioner.

Mr.P.G.Lad with Ms.Sayali Apte and Mr.Murlidharan Kalathil for Respondent
no.5.

Mr.Manish Upadhye, AGP, for State of Maharashtra.

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

DATE: 27th January 2026

P.C.

1. Considering our prior orders and the cognizance of the orders taken on behalf of the State Government, Mr.Upadhye, learned AGP, has placed on record a communication of Mr.Pramod Pandit, Desk Officer, Housing Department, stating that all the papers in regard to the issue in question, are being requisitioned from the Director, BDD Chawls. We are informed by Mr.Upadhye that the record in this regard is being forwarded today itself to the Housing Department, State Government, in response to the letter dated 23rd January 2026. A copy of the letter dated 23rd January 2026 is taken on record.

2. As the record and proceedings are being forwarded for appropriate decision to be taken at the level of the State Government, we adjourn the

proceedings by a period of two weeks so that the decision being taken, is placed on record of the present proceedings.

3. Stand over to **11th February 2026. First on board.**

4. At this stage Mr.Lad, learned counsel for MHADA, submits that as noted by this Court in the previous orders, the MHADA was ready and willing to offer transit accommodation to the Petitioner. Such transit accommodation has been identified and an allotment order has been issued.

5. Responding to such contention, learned counsel for the Petitioner, on instructions, states that the Petitioner is ready and willing to occupy the transit tenement as offered, and it shall be without prejudice to the rights and contentions of Petitioner which are persuaded in the present petition. In view of such consent of the Petitioner, we permit the parties to decide the position in this regard so that the tenement in question categorized as bathroom, would now be vacated and the Petitioner would be given a transit accommodation. Let all the modalities in that regard be decided by the parties.

6. Needless to observe that all contentions of the parties on the petition are expressly kept open and MHADA or the State Government shall not be in a position to claim equities, more particularly on the ground that the Petitioner has now vacated the tenement in question.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)