



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

**WRIT PETITION (L) NO.14649 OF 2026**

Kamalpushpa Co-operative Housing Society

Ltd. and anr.

... Petitioners

Versus

The Maharashtra Housing and Area

Development Authority and ors.

.... Respondents

**WITH**

**WRIT PETITION (L) NO.15631 OF 2026**

**WITH**

**WRIT PETITION (L) NO.15197 OF 2026**

**WITH**

**WRIT PETITION (L) NO.15680 OF 2026**

**WITH**

**WRIT PETITION (L) NO.15681 OF 2026**

**WITH**

**WRIT PETITION (L) NO.15773 OF 2026**

**WITH**

**WRIT PETITION (L) NO.16257 OF 2026**

**WITH**

**WRIT PETITION (L) NO.40180 OF 2025**

\*\*\*\*

Mr. Y. S. Jahagirdar, Senior Advocate a/w Adv. Shailendra Kanetkar, Adv. Deeksha Jani, Adv. Niket Jani i/b. Jani & Parikh, for the petitioners in WPL/14649/2026 and WPL/15631/2026.

Mr. Vishwajeet Sawant, Senior Advocate a/w Adv. Nilesh Modi, Adv. Ashish Rebello, Adv. R. Sawant i/b. Rustamji and Ginwala,

for the petitioner in WPL/15773/2026.

Adv. Karl Tamboly a/w Adv. Nilesh Modi, Adv. Ashish Rebello, Adv. Bhavin Shah i/b. Rustamji and Ginwala, for the petitioner in WPL/15680/2026.

Mr. Zal Andhyarujina, Senior Advocate a/w Adv. Nilesh Modi, Adv. Karan Bhide, Adv. Ashish Rebello i/b. Rustamji and Ginwala, for the petitioner in WPL/15681/2026.

Mr. Pravin Samdani, Senior Advocate a/w Adv. Mayur Khandeparkar, Adv. Anshuman Jagtap, Adv. Chandrama Raje i/b. Economic Laws Practice for the petitioner in WPL/16257/2026.

Mr. Mayur Khandeparkar a/w Adv. Nidhi Singh, Adv. Brian Noronha i/b. Indialaw LLP for the petitioner in WPL/15197/2026.

Mr. Venkatesh Dhond, Senior Advocate a/w Adv. Dr. Abhinav Chandrachud i/b. Adv. P. G. Lad, for the respondent-MHADA.

Dr. Milind Sathe, Advocate General a/w Mr. Mohit P. Jadhav, Addl.G.P., Smt. Anupama Pawar, AGP, for the respondent-State in WPL/15631/2026.

Smt. Anjali Helekar, GP a/w Mr. Vikrant Parshurami, AGP for the respondent-State in WPL/15197/2026.

Mr. Dipesh Siroya, AGP for the respondent-State in WPL/15680/2026.

Mr. Rakesh Pathak, AGP for the respondent-State in WPL/15681/2026.

Smt. Lavina Kriplani, AGP for the respondent-State in WPL/15773/2026.

Mr. Manish Upadhye, AGP for the respondent-State in WPL/16257/2026.

Dr. Milind Sathe, Advocate General a/w Mr. Rakesh Pathak, AGP for the respondent-State in WPL/40180/2025.

\*\*\*\*

**CORAM : M. S. KARNIK &  
S. M. MODAK, JJ.**

**DATE : 6<sup>th</sup> MAY 2026**

**P.C. :**

1. At the outset Mr. Jahagirdar, learned Senior Advocate for the petitioners in Writ Petition (L) No.14649 of 2026 pointed out the order dated 29/04/2014 passed by this Court in Writ Petition (L) No.3310 of 2013 in *General Arun Kumar Vaidya Nagar Rahivasi Sangh and Anr. vs. The State of Maharashtra and Anr.* where one of us M. S. Karnik, J. had appeared as a counsel. Upon hearing learned Senior Advocates, it was indicated by us that though apparently there is no conflict of interest, however, should any party have an objection, we may consider recusal. Learned Senior Advocates and counsel appearing for the parties submitted that they have no objection if these writ petitions are heard by this Bench since the issue involved in *General Arun Kumar Vaidya Nagar Rahivasi Sangh and Anr.* (supra) was challenging the

fixation of final lease premium and lease rent of land of the plots allotted by the then Maharashtra Housing Board to the 26 member Co-operative Housing Society of the petitioner Sangh. It is in all fairness, learned Senior Advocates pointed out that the issue was completely different in a writ petition filed by the Federation which has no concern with the present writ petitions. Accordingly, learned counsel appearing for all the parties submit that they have no objection to this Bench hearing the writ petitions. Accordingly, we proceeded to hear the matters.

2. At the request of Mr. Jahagirdar, learned Senior Advocate for the petitioners in Writ Petition (L) No.14649 of 2026 leave to amend is granted. Amendment to be carried out within a period of one week from today. Reverification is dispensed with. Amended copy of the writ petition be served on the respondents.

3. Common issues are involved in these writ petitions. Learned Senior Advocates for the petitioners pressed for interim relief for staying the tender process.

4. We have heard Mr. Y. S. Jahagirdar, Mr. Pravin Samdani, Mr. Zal Andhyarujina and Mr. Vishwajeet Sawant, learned Senior

Advocates for the petitioners. Learned Senior Advocates pressed for grant of interim reliefs on the strength of the following submissions :-

5. Learned Senior Advocates submitted that the impugned Government Resolutions/circulars dated 25/04/2025 and 15/12/2025 are in complete breach of the provisions of Article 300A of the Constitution of India. Reliance is placed on the decision of the Hon'ble Supreme Court in Property Owners Association & ors. Vs. State of Maharashtra and ors.<sup>1</sup> in support of their submission that the petitioners are virtually being divested of their properties without following the due process of law. Our attention is invited to paragraph 219 of the majority judgment which lays down the principles to be followed in such matters. It is further submitted by learned Senior Advocates that the Government Resolutions issued are in complete breach of the provisions of DCPR 33(5) and 33(9). Mr. Andhyarujina, learned Senior Advocate appearing in one of the petition submitted that so far as the High Income Group (HIG) is concerned, the same is not

---

<sup>1</sup> 2024 INSC 835

even the part of the Government Resolutions, in as much as the Government Resolutions specify only the Middle Income Group (MIG) and Lower Income Group (LIG). It is further submitted that though the lands belong to MHADA, the buildings have been constructed pursuant to valid leases which are still in force. It is submitted that under the said leases it is the petitioner societies which have a right to redevelop the properties which right is completely taken away by the Government Resolutions in an arbitrary manner. It is submitted that not only the Government Resolutions are beyond the statutory provisions of the DCPR but even the tender document prescribes the terms which are not even provided by the Government Resolutions. Learned Senior Advocates were at pains to point out that the petitioners are being forced to be a part of the cluster development which is being undertaken by the State of Maharashtra by issuance of the impugned Government Resolutions in complete violation of the statutory provisions and the DCPR. It is further submitted that the property rights of the petitioners are seriously affected by the issuance of such Government Resolutions and if the tender process

as scheduled is allowed to proceed, the same will seriously prejudice the rights of the petitioners. Learned Senior Advocates relied upon the provisions of DCPR 33(5) and 33(9) to demonstrate that the procedure laid down for obtaining the consents is not adhered to. It is submitted that if the tender is allowed to proceed it may seriously prejudice the rights of the petitioners as the possibility of an irreversible damage cannot be ruled out as even those parties in whose favour the tender is awarded will claim rights. It is submitted by Mr. Pravin Samdani, learned Senior Advocate that there is no element of public interest involved in the present redevelopment project and therefore in the interest of justice the petitioners need to be protected by an interim order.

6. Dr. Milind Sathe, learned Advocate General for the State of Maharashtra and Mr. Dhond, learned Senior Advocate for MHADA on the other hand invited our attention to the Government Resolutions dated 25/04/2025 and 15/12/2025. It is submitted that the integrated redevelopment of the buildings is in respect of Bandra Reclamation and Adarsh Nagar (Worli) which

are MHADA layouts through Construction and Development Agency (C&DA). It is submitted that the Government Resolutions specifically mention that the colonies have approximately 5000 Co-operative Housing Societies and since the said buildings are now about 50 to 60 years old, some of the structures have become dilapidated so the redevelopment is undertaken to improve the living standards of the residents therein. It is further submitted by learned Advocate General that the cluster redevelopment will be completely in accordance with the provisions of Regulation 33(5) and 33(9) of the DCPR and that the same shall not be in deviation from the applicable provisions of law. It is submitted that there is no good ground for this Court to grant any interim relief at this stage as only four petitioners have come before this Court whereas there are as many as 5000 co-operative housing societies which are part of the cluster redevelopment of which many of the structures are in a dilapidated condition. It is submitted that grant of any interim relief will affect the societies and the occupants in need of redevelopment who are not before this Court. Learned Advocate General placed on record the steps to be taken till the issuance of

letter of award. The same reads thus :-

<b>S. NO.</b>	<b>STEPS TO BE UNDERTAKEN</b>	<b>TIMELINES</b>
1.	Tender published by MHADA	7 <sup>th</sup> April 2026
2.	Last Date for submission of Technical Bid	18 <sup>th</sup> May 2026
3.	Opening of Technical Bid	20 <sup>th</sup> May 2026
4.	Upon opening of the technical bids, MHADA will undertake scrutiny of the technical bids received and the tender evaluation committee of MHADA will approve the same and shortlist the technically qualified bidders.	This entire process may tentatively take 2 weeks after opening of technical bids [tentatively June 2026 onwards]
5.	Upon shortlisting of technically qualified bidders, MHADA will open the financial bid of the technically qualified bidders and determine the highest bidder.	This process may tentatively take one week after shortlisting the technically qualified bidders.
6.	The proposal of selecting the highest bidder will then be submitted for approval of High-Powered Committee (set up for this) for selection of highest bidder.	This process may tentatively take one to two weeks after determining the highest bidder.
7.	Recommendation of High-Power Committee for selection of bidder to be submitted to Government of Maharashtra for approval.	
8.	After receipt of approval from Government of Maharashtra, letter of award will be issued to the Selected Bidder.	

7. At this stage, taking an overall view of the matter, we are of the opinion that no prejudice would be caused to the petitioners if the tender process is allowed to proceed. In any case, Dr. Milind Sathe, learned Advocate General for the State and Mr. Venkatesh

Dhond, learned Senior Advocate for MHADA submit that the affidavit-in-reply will be filed within a period of three weeks from today. The petitioners are permitted to file a rejoinder within a period of one week thereafter. We are inclined to hear the writ petitions finally having regard to the submissions canvassed by learned Senior Advocates for the petitioners and considering the magnitude of the proposed redevelopment.

8. We have perused the provisions of DCPR 33(5) and 33(9). Learned Advocate General has submitted that the redevelopment will be in accordance with the provisions of DCPR 33(5) and 33(9). The land in question belongs to MHADA which is undertaking the cluster redevelopment through C&DA. The government has undertaken a decision regarding the integrated/cluster redevelopment of the buildings in the two MHADA layouts, namely Bandra Reclamation and Adarsh Nagar (Worli). With a view to creating affordable housing in Mumbai City and Suburban areas, the Government, through the Mumbai Board of MHADA, constructed 56 colonies during the period from 1950 to 1960 for the MIG and LIG. These colonies comprise

approximately 5000 cooperative housing societies. In the resolution it is stated that since the said buildings are now about 50 to 60 years old, certain structures have become dilapidated and are in a state of disrepair. Consequently, redevelopment of such buildings has become necessary in order to improve the living standards of the residents therein. The reasons have been provided in the Government Resolution dated 25/04/2025 as to why it has become necessary to undertake integrated redevelopment of entire layouts so as to enable planned development of infrastructure, ensure proper area planning, and facilitate construction of high quality buildings along with requisite amenities during the redevelopment of MHADA colonies. The buildings in the two MHADA layouts at Bandra Reclamation and Adarsh Nagar (Worli) are to be redeveloped through an integrated/cluster redevelopment approach. The Government Resolution mentions that the planned redevelopment of infrastructure within these layouts is equally important and can be effectively achieved only through such integrated/cluster redevelopment, proposals for redevelopment of individual buildings/self-redevelopment within

these layouts shall not be considered. The Government Resolution dated 15/12/2025 frames a policy for undertaking integrated/cluster redevelopment of MHADA layouts admeasuring 20 acres or more in Greater Mumbai and Suburban areas.

9. For the present we are not inclined to stay the tender process since the award of the tender is likely to take some time. It is already indicated that we propose to hear the matter finally on the next date i.e. 09/06/2026 at 3:00 p.m. It is made clear that if for some reason we are not in a position to hear the matter finally on 09/06/2026, we would be inclined to hear the prayer made by the petitioners for grant of interim reliefs upon considering the affidavit-in-reply filed by the respondents. It is however made clear that all steps taken shall be subject to the outcome of the writ petitions.

10. List these matters for final disposal on 09/06/2026 at 3:00 p.m.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)