



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

WRIT PETITION (L) NO.19795 OF 2026

Dhanvanti Kantilal Gada ... Petitioner
Versus
Maharashtra Housing and Area
Development Authority and ors. Respondents

**WITH
WRIT PETITION (L) NO.19809 OF 2026**

H.M.I. Learning Private Limited ... Petitioner
Versus
Maharashtra Housing and Area
Development Authority and ors. Respondents

Adv. I. K. Tripathi a/w Adv. Divya Bhatia i/b. Adv. C. K. Tripathi,
for the petitioner in WPL/19809/2026.

Adv. Nakul Jain i/b. Adv. Jainish Jain, for the petitioner in
WPL/19795/2026.

Smt. Anjali Helekar, GP a/w Smt. Varsha Sawant, AGP for the
respondent-State.

Adv. Amrut Joshi a/w Adv. Nidhi Singh, Adv. Mehek Chowdhary
i/b. Indialaw LLP, for respondent Nos.7 to 40.

Adv. P. G. Lad a/w Adv. Muralidharan Kalathil, for the
respondents-MHADA.

**CORAM : M. S. KARNIK &
SANDESH D. PATIL, JJ.**

DATE : 19th AUGUST 2026

P.C. :

1. Heard learned counsel for the parties.
2. The petitioners are challenging the notices dated 05/03/2026 and 09/06/2026 for calling upon the petitioners to stop the commercial activities in the residential premises of the housing society, the buildings of which have been constructed by MHADA.
3. Insofar as Flat Nos.101 to 104 are concerned, the allegation is that the day-care centre and pre-school activities are being carried out contrary to the regulations, inasmuch as no permission for change of user has been obtained under the relevant provisions of law. Learned counsel for the petitioner in Writ Petition (L) No.19795 of 2026 submitted that already an application has been preferred before the Competent Authority viz. Maharashtra Housing and Area Development Authority (MHADA) for change of user. Mr. Lad, learned counsel appearing for MHADA, on instructions, submitted that within a period of two weeks from today, the petitioners may comply with all the

requisitions and furnish the documents which have already been called for by MHADA and thereafter within a period of two weeks the application for change of user would be considered by passing appropriate orders in accordance with law. Hence, within a period of four weeks from today the application for change of user filed by the writ petitioner in Writ Petition (L) No.19795 of 2026 be decided in accordance with law. Considering that the day-care centre activities are being conducted in the premises, only in the interest of justice and in the interest of the children, we permit the said activities to be carried out for a period of six weeks from today. In case the petitioners do not succeed in getting a change of user, MHADA to take appropriate action for closing down the activities subject to any legal impediment.

4. It is open for the respondent Nos.7 to 40 to file an objection to the application for change of user within a period of one week from today which shall be duly considered by MHADA. Learned counsel for the respondent Nos.7 to 40 has a strong objection to the day-care activities being conducted since the same are absolutely impermissible as admittedly no permission for

change of user from residential to commercial has been obtained by the petitioners. As indicated earlier, we are granting the limited protection only in the interest of the students and to enable the petitioners to make alternate arrangements in the meantime if they are not successful in getting a change of user.

5. Insofar as Flat Nos.404, 804, 904 and 1004 is concerned, it is stated by learned counsel for respondent Nos.7 to 40 as well by learned counsel for MHADA on instructions that the same are used for commercial purposes by letting out the flats on leave and license basis and use as Airbnb facility. We clarify that it is open for MHADA to take appropriate action against such flats in accordance with law.

6. With the aforesaid directions, the writ petitions are disposed of.

(SANDESH D. PATIL, J.)

(M. S. KARNIK, J.)