

Vidya Amin

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

WRIT PETITION (L) No. 2025 OF 2014

Habib Ahmed Rehman Shaikh	...	Petitioner
vs.		
The Vice Chairman and Chief Executive Officer and Anr.	...	Respondents

Mr. P.M. Havnur a/w. Mr. Najafiya Shroff, Advocate for the petitioner.
None for respondents.

**CORAM : SMT. VASANTI A. NAIK &
C.V. BHADANG, JJ.**
DATE : 18th February, 2015.

P.C.

By this Petition, the petitioner seeks a direction to the respondents to consider the representation dated 2nd July, 2014 for allotment of permanent alternate accommodation to the petitioner as a project affected person. The petitioner also seeks a direction to the respondents to pay adequate compensation for not allotting the permanent alternate accommodation in time and causing mental agony to the petitioner.

According to the petitioner, the petitioner was an owner of one hut/premises and the premises were demolished by the respondents on 11th January, 1977 for widening of old CST road. It is the case of the petitioner that since the petitioner's premises was demolished for road widening, the respondent no. 2 issued a communication to the petitioner

on 17th April, 1996 informing the petitioner about its intention to allot a plot in Dadabhai Nowroji Nagar, Andheri. It is averred in the petition that despite the said communication dated 17th April, 1996, the petitioner was never allotted a plot of land. Certain communications were made by the petitioner to the respondent authorities and ultimately, by an order dated 14th May, 2001, the Chief Officer of the Mumbai Housing and Area Development Board informed the petitioner that there was no record available in their office in regard to the demolition of the hutment of the petitioner and since the petitioner could not produce any proof in that regard, the order dated 17th April, 1996 stands cancelled. According to the petitioner, the petitioner made several representations to the respondents seeking alternate accommodation but the same were not decided. By the instant petition, the petitioner has sought a direction to the MHADA to decide the representation of the petitioner and allot a plot of land to him.

The petition is liable to be dismissed, mainly for two reasons. Firstly, the petition suffers from latches. The so-called allotment letter was issued in favour of the petitioner on 17th April, 1996. Also, the petitioner was informed by the Mumbai Housing and Area Development Board as early as on 14th May, 2001 that there was no material to show that the hut of the petitioner was demolished through the Board and since

the petitioner did not produce any proof in that regard, the letter dated 17th April, 1996 stands cancelled. Even after the so-called allotment letter was cancelled by the Development Board on 14th May, 2001, the petitioner did not approach any Court of law. The petitioner only made repeated representations to the Development Board. Making successive representations cannot stop limitation. It is held by the Hon'ble Supreme Court in the decisions reported in **(1995) Suppl. 4 SCC 593** and **(1997) 11 SCC 13** that making of successive representations is inconsequential while considering sufficient cause and they cannot stop limitation. Secondly, the prayer made in this Writ Petition cannot be granted as the representations made by the petitioner before May, 2001 were already decided by the Development Board and by a reasoned order dated 14th May, 2001, the petitioner was informed that the alternate accommodation could not be granted to him. After the representations are decided by a reasoned order, directing the Development Board to decide the representations made thereafter, in a petition which suffers from latches, would be unwarranted.

In the result, the Writ Petition fails and is dismissed, with no order as to costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)