

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

CHAMBER SUMMONS NO. 112 OF 2014

IN

WRIT PETITION NO. 2013 OF 2014

Shree Dattaprasad Co-operative Housing
Society (Proposed)

..Applicant

In the matter between

Tukaram Narayan Anavkar & Ors.

..Petitioners

Vs.

Maharashtra Housing and Area Development
Authority and Ors.

..Respondents

....

Mr. Vishal Kanode a/w Ravi Gandhi, Advocates i/b Kanga & Co for
Applicant.

Mr. Chetan Mali, Advocate for Respondent/Original Petitioner.

....

**CORAM : M.S. SANKLECHA &
G.S. KULKARNI, JJ.**

DATED : 15 OCTOBER 2015

P.C.:

This Chamber Summons has been taken out by the applicant for directions to the original petitioners to either amend the petition and make the applicant party respondents or in the alternative it be permitted to intervene in the petition and participate at the hearing of the petition.

2. The petition has been filed interalia seeking direction from this Court to the Respondent Nos.1 and 2 i.e. MHADA & State of Maharashtra not to take any steps to de-acquire the subject property.

3. The subject property had been acquired by Respondent No.3 i.e. Special Land Acquisition Officer by a notification dated 5 August 1994 to vest in MHADA. The applicant herein had filed an application dated 25 July 2012 with the State Government seeking de-acquisition of the subject property. Consequent to the above representation, the Respondent No.2-State of Maharashtra by communication dated 16 August 2013 issued by its Under Secretary granted conditional consent to de-acquisition of the subject property which was acquired by notification dated 5 August 1994. The relief sought in the petition is to restrain the State Government from de-acquiring the property which has been acquired under notification dated 5 August 1994. Therefore, in effect, it seeks to stop all the proceedings consequent to the communication dated 16 August 2013 issued by the State of Maharashtra.

4. The applicant claims to be the chief promoter of the Dattaprasad Co-operative Housing Society (proposed). This is seriously disputed by the original petitioners. At this stage, keeping the contentions of both the parties open on the issue to be agitated at the hearing, it would be in the interest of justice that the applicant be heard as the process of de-acquisition of property were initiated by them in view of their letter dated 25 January 2012 to the State of Maharashtra.

5. In the above view, we allow the Chamber Summons in terms of prayer clause (B).

[G.S. KULKARNI, J]

[M.S. SANKLECHA, J.]