

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10971 OF 2014

Geeta Indrakant Borkar ... Petitioner
Vs.
State of Maharashtra & Ors. ... Respondents

Mr. R.S. Matkar, Advocate for the Petitioner.
Mrs. Vaishali Nimbalkar, AGP for Respondent no. 1/State.
Mr. S.P. Thorat, Advocate for respondent no. 3/MHADA.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **24th November, 2016.**

P.C.:

In this Petition, the petitioner had challenged the notice dated 23rd September, 2014 issued by respondent no. 3, i.e., Mumbai Building Repairs and Reconstruction Board, a unit of MHADA. There is a dispute with respect of room nos. 34 and 35 in a building, which was earlier known as 'Bhagirathi Bhavan, Khedgali, Dadar, between the petitioner and respondent no. 4-Sunita R. Kargutkar.

2. I have perused the notice dated 23rd September, 2014. It is a communication by the Resident Executive Engineer, M.B.R. & R. Board, Mumbai asking the petitioner to remain present before the Chief Officer, MBRRB, Griha Niirman Bhavan at Bandra on 30th September, 2014. It is submitted by the learned counsel for the petitioner that the petitioner did not attend because there was a short notice and she is an old woman. The manner in which the proceedings were conducted so also the copies of

necessary documents were not furnished to the petitioner, the petitioner apprehended that there won't be fair and proper hearing of her matter.

3. After considering the submissions of learned counsel for the petitioner, the learned counsel Mr. Thorat appearing for MHADA is requested to inform the present status of the matter/file before MHADA. The learned counsel, on taking instructions from the concerned authority, informed that till today, in the said matter final order is not passed and the file is still pending before the authority. In view of this, the petitioner and respondent no. 4, who is not present before the Court though served, shall appear before the Chief Officer of Repairs Board on 11th January, 2017. As respondent no. 4 is absent today, the Chief Officer is directed to give notice to respondent no. 4 to appear before the authority on 11th January, 2017. The petitioner shall appear before the authority along with all the necessary documents. The documents which are filed before the authority by respondent no. 4 are also to be furnished to the petitioner or the petitioner be allowed to take copies of those documents on or before 16th December, 2016.

4. With this, Writ Petition is disposed of.

(MRIDULA BHATKAR, J.)