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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.487 OF 2016

Pravin Ankush Mayekar ...Petitioner
vs.
Maharashtra Housing and Area
Development Authority & Ors. ...Respondents

Mr.V.R.Tripathi for the Petitioner
Ms Rupali Dixit i/b M/s.Sharmila Deshmukh for the respondent Nos.1 and 2
Mr.Prashant Karande for respondent No.3
Mr.V.S.Upadhyay, AGP for respondent No.4

CORAM : A.S.OKA, &
SMT.ANUJA PRABHUDESSAI,JJ.
DATE : DECEMBER 2, 2016

P.C.:

1 Heard learned counsel for the petitioner. A writ of mandamus is prayed for against the respondent Nos.1 and 2 enjoining them to initiate proceedings under section 95-A of the Maharashtra Housing and Area Development Act,1971 against the respondent No.3

2 The learned counsel for the petitioner states that out of four buildings on the property, three have been demolished. As the fourth one is not demolished, the redevelopment has not commenced. As a result, the petitioner and others are occupying the transit camp for last more than 12 years. The contention of the petitioner is that only because the respondent No.3 has not vacated the premises in

his possession, the development work could not commenced.

3 If the grievance of the petitioner is that the respondent Nos.1 and 2 are not taking any steps for allotting permanent accommodation to him, it is for him to proceed in accordance with law in that behalf. The petitioner has no right, title or interest in respect of the premises of the respondent No.3. Therefore, at the instance of the petitioner, this petition cannot be entertained.

4 Accordingly, writ petition is rejected, while keeping the remedies of the petitioner expressly open. We also make it clear that notwithstanding the rejection of this petition, if the respondent Nos.1 and 2 find that action of eviction needs to be initiated against the respondent No.3, they are free to do so in accordance with law.

(ANUJA PRABHUDESSAI,J.) (A.S.OKA,J.)