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

WRIT PETITION NO.1248 OF 2016

Adil D. Karkaria

... Petitioner

Versus

The Mumbai Repairs and Reconstruction
Board and Ors.

... Respondents

Mr. M.M. Vashi, Senior Counsel i/by M.P. Vashi Associates for the
Petitioner.

Mr. S.G. Surana for the Respondent No.2.

**CORAM : A.S. OKA &
ANUJA PRABHUDESSAI, JJ.**

DATE : 7th DECEMBER, 2016

PC.

1 Heard the learned senior counsel appearing for the
Petitioner and the learned counsel appearing for the Respondent No.2.
Perused the impugned communication dated 21st January, 2016. By the
said communication, the Petitioner has been called upon by the
Respondent No.1 to furnish information regarding pending litigations
against the second Respondent. It is further stated that if information is
not furnished, action of eviction under Section 95(A) of the
Maharashtra Housing Area Development Act, 1976 (for short “the said
Act”) will have to be initiated.

2 Action under Section 95(A) of the said Act can be initiated only on specific grounds. Certainly said action cannot be initiated on the ground that the Petitioner has failed to furnish information regarding pending litigations. The learned Senior Counsel appearing for the Petitioner states that as per the knowledge of the Petitioner, R.A.E. Suit No.859/1361/2007 filed by the second Respondent is pending in the Court of Small Causes in Mumbai.

3 In view of what is observed above, it is not necessary to entertain this Petition. Needless to add that the order of eviction by taking recourse to Section 95(A) of the said Act of 1976 cannot be passed unless the Petitioner is given an opportunity of being heard in accordance with law. We make it clear that the order of eviction cannot be passed on the ground of the failure of the Petitioner to furnish information demanded by the impugned communication.

4 Subject to above directions, the Petition is disposed of.

(ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)