

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

WRIT PETITION (L) NO.950 OF 2016

Shri Mohan Dattatray Basvant	...	Petitioner
Versus		
Mumbai Housing And Area Development Board, Through its Dy. Chief Officer	...	Respondent
.....		
Mr. Balasahab Deshmukh for the Petitioner.		
Mr. V.P. Sawant for the Respondent/MHADA.		

CORAM : S.C.GUPTE, J.

DATE : 14 JUNE 2016.

P.C. :

Rule. Rule made returnable forthwith. Respondent waives service.
Taken up forthwith for final disposal.

2 Perusal of the impugned order shows that the Petitioner was called upon to give explanation along with original papers as regards his placement in the waiting list. Since the Petitioner did not remain present, the Authority has proceeded to cancel the placement of the Petitioner on the waiting list. Perusal of the impugned order shows that the Authority had received certain complaints, on the basis of which an enquiry was conducted and a notice was given to the Petitioner.

3 Though the learned counsel for the Petitioner has sought to argue
certain issues as regards merits of his claim, it is not necessary to enter into

that controversy as the impugned order has been passed on the premise that the Petitioner has no explanation to offer since he did not remain present. Interests of justice require that the impugned order be set aside and the Petitioner be granted an opportunity to attend the office of the Respondent-Authority on a particular date and submit his explanation. The Authority, thereafter, can consider the explanation and pass an order indicating reasons. It is clarified that the opportunity need not be of an oral hearing.

4 Accordingly, the petition is disposed of by setting aside the impugned order and directing the Petitioner to attend the office of the Respondent-Authority on 24 June 2016 at 11 a.m. whereupon the Authority will consider the claim of the Petitioner and any material submitted in support of the claim. The representation of the Petitioner will be disposed of within a period of four weeks.

5 The Petition is disposed of in the above terms.

(S.C.GUPTE, J.)