

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.874 OF 2014

Mrs. Archi Vidyadhar Kolhatkar Petitioner
Vs.
Maharashtra Housing and Area
Development Authority, Mumbai & Anr. Respondents

Mr. A.S. Khandeparkar with Mr. Shantanu Chandratre
for the Petitioner.
Ms Neha Bhide for the Respondent No.1.
Ms Madhubala Kajale, AGP, for the Respondent No.2.

CORAM: S.C. DHARMADHIKARI &
DR. SHALINI PHANSALKAR-JOSHI, JJ.

DATE : MAY 06, 2016

P.C:

1. Mr. Khandeparkar, appearing for the petitioner, states that the petitioner is present in Court. In her presence and after taking instructions, he states that the petitioner is ready and willing to accept the allotment of Gala No.111 in Building No.6, Mithaghar, Mulund (East), Mumbai. She would accept this as it is convenient to her and close to her mother's residence. Secondly, even if the Gala is located in a building and on a

property which is likely to be redeveloped, still she has no complaint if the allotment is confirmed in her favour.

2. She would take thereafter such benefits as she is able to derive from the redevelopment project. However, the only request is that the rate at which the rentals would be charged or the allotment would be made should be reckoned from 2009, meaning thereby that the Ready Reckoner Rate of the year 2009 should be applied.

3. Ms Bhide, after taking instructions from the official of MHADA who is present in Court, makes a statement that only so far as the present petitioner is concerned, MHADA is ready and willing to allot the premises to her by charging the 2009 Ready Reckoner Rate. The MHADA will not insist on the current market rate or any market rate subsequent to the year 2009.

4. Even though the building is not in a habitable state presently and is vacant, the petitioner shall be handed over the keys and a confirmed letter of allotment by the MHADA against payment at the 2009 Ready Reckoner Rate. The payment would

be made within two weeks from today. The concerned official shall ensure that moment the payment is made, the keys and the confirmed letter of allotment are handed over so as to enable the petitioner to obtain the benefits of the redevelopment project.

5. Since Ms Bhide has appealed to the Court that though the matter was repeatedly adjourned, precious judicial time was wasted and the petitioner was made to wait for a legitimate allotment for all these years, costs may not be awarded by this Court. She also assures the Court that she will ensure that hereafter MHADA promptly completes the formalities and takes steps and does not compel any of the applicants or allottees to approach this Court. We hope that if MHADA abides by this and if it does not, then, in all future cases, we would be imposing costs and to be paid personally by the erring official/s. In this case, though we are most unhappy and strongly deprecate the state of affairs in MHADA, but do not impose the costs.

6. The writ petition accordingly stands disposed of.

(DR. SHALINI PHANSALKAR-JOSHI, J.)

(S.C. DHARMADHIKARI, J.)