

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1832/2016

Shri Pramod Motilal Parekar

...Versus...

Maharashtra Housing and Area Development Authority, through its Nagpur
Housing and Area Development Board, Nagpur through its Chief Executive
Officer/President, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.K. Tambde, Advocate for petitioner

CORAM : SMT. VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.

DATE : 04.04.2016

By this writ petition, the petitioner seeks a direction to the respondent to execute the sale-deed of the tenement by exercising the powers under the provisions of the MHADA (Disposal of Land) Rules, 1981 and the provisions of the Act of 1976. The petitioner has sought a direction to the respondent to refund the amount paid in excess, to the extent of Rs.1,90,903/-.

On hearing the learned Counsel for the petitioner and on a perusal of the documents annexed to the writ petition, we find that there is a dispute in regard to the amount that is liable to be paid by the petitioner to the Housing Development Board. The Board is demanding more amount from the petitioner before execution of the sale-deed, whereas it is the case of the petitioner

that the petitioner has paid the entire dues. The issue involved in this petition cannot be decided in exercise of the writ jurisdiction. It would be necessary for the petitioner to take up appropriate proceedings as permissible in law for seeking the relief, as sought in the writ petition.

In view of the aforesaid, we dismiss the writ petition with no order as to costs. The points raised in the petition are kept open.

JUDGE

JUDGE

Wadkar