

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

929 WRIT PETITION NO. 3782 OF 2016

PRAKASH HARI DALAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Brahme Shailesh P.
AGP for Respondents: Mr. S.G. Karlekar
Advocate for Respondents : Mr.A.B. Kadethankar for R.3/4
...

**CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.**
DATE : 14.07.2017.

P.C. :-

. We have heard both sides.

2. We have found that the dispute can be easily resolved, though, it is with the public body. While it is true that the petitioner was a recipient of an allotment letter from the Maharashtra Housing and Area Development Authority (respondent nos. 3 and 4), the allotment could not materialise. The petitioner was, thus, not put in possession of a tenement meant for high income group in the scheme of respondent nos. 3 and 4. The scheme was delayed, its implementation / time and that is why the petitioner was unwilling to pay the increased rate or price.

3. Although, such a dispute is incapable of being resolved in writ

jurisdiction for the scheme has its terms and conditions and its own clauses. Whether the petitioner is in default or whether the respondent nos. 3 and 4 have deliberately delayed handing over the unit are matters which cannot be determined in our limited jurisdiction.

4. However, we are happy to note that the respondent nos. 3 and 4 in the peculiar facts and circumstances have decided to assist the petitioner, in the event, if the petitioner tenders a sum of Rs. 13,18,867/- determined as on 30.06.2017 on or before 31.10.2017, the respondent nos. 3 and 4 shall allot a tenement to the petitioner from any existing scheme under the high income group. The petitioner is ready and willing to accept the tenement either at the same place or any other locality in the vicinity of Bhusawal city. Needles to clarify that, in the event of default, the petitioner's entitlement will, then, be forfeited. The petitioner will have to work out his remedies elsewhere. The writ petition is disposed of.

[MANGESH S. PATIL, J.]

[S.C. DHARMADHIKARI, J.]