

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
ORDINARY ORIGINAL CIVIL JURISDICTION**

REVIEW PETITION NO. 9 OF 2017

IN

WRIT PETITION NO. 2970 OF 2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. Mangal Kadam for the Petitioner.

Mr. Sunil Kanojia for the Respondent No.2.

CORAM : K. K. TATED, J.

DATED : 19/04/2017

PC.:

. Heard learned Counsel for the parties.

2 By this Review Petition, the petitioner is seeking to review the order dated 06.01.2017 passed by this Court in Writ Petition No. 2970 of 2016 allowing the petitioner to withdraw the Writ Petition with liberty to file Appeal under Section 70 of the Maharashtra Housing & Area Development Act, 1976.

3 The present Review Petition is vehemently opposed by the learned counsel for the respondent MHADA. He filed Affidavit-in-Reply dated 18.04.2017 duly affirmed by Mr. Narayan Kalu Lahare, Estate Manager of Respondent No.1 stating that the order dated 05.04.2016 passed by them was under Section 66 of the MHADA Act. Paragraph 2 of

the said Affidavit-in-Reply, reads thus:

“2. At the outset I say and submit that the present Petition is filed by the petitioner for review of the Order dated 06th January, 2017. By this order this Hon'ble Court was pleased to dispose of the Writ Petition No. 2970 of 2016 recording finding that alternate efficacious remedy is available under Section 70 of the MHADA Act, hence the Writ Petition is not maintainable and disposed of with liberty to the petitioner to prefer an Appeal if so desire. Copy of the Order is on page 10 of the Review Petition.”

4 If the order is passed under Section 66 of the said Act, then Appeal lies under Section 70 to Authority.

5 In view of this fact, nothing survives in the present Review Petition. Hence, following order is passed:

- a) Review Petition stands dismissed.
- b) Liberty granted to the petitioner to file appropriate Appeal under Section 70 of the Maharashtra Housing & Area Development Act, 1976, if he so desire.
- c) If Appeal is filed by the Petitioner, as stated hereinabove, the Authority to consider the Petitioner's application for condonation of delay, if any, keeping in mind pendency of present Writ Petition and Review.

(K.K.TATED, J.)