

dik

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

WRIT PETITION NO. 768 OF 2013

Babu Krishna Dhobale	...Petitioner
vs	
The Vice President & Chief Executive Officer MHADA & Ors	...Respondents.

.....
Mr R. Ramamurthy for the Petitioner
Ms Sharmila Deshmukh for the Respondents
.....

**CORAM : SHANTANU S. KEMKAR &
 B.P.COLABAWALLA, JJ**

APRIL 12, 2017

P.C. :

Not on board. Upon mentioning taken on board.

The grievance of the petitioner is that, he is entitled to have the benefit of the policy of Respondent No.1 referred to in the communication dated 22nd February, 2012 mentioning therein that, in case the tenant holding more than 225 sq.ft. of the area and if allotted only 225 sq. ft., the rest if it is more than 50 sq. ft., the said holder of the tenement will be entitled for extra benefit as mentioned in the policy. Said communication is taken on record and marked as "X" for identification.

2 Learned Counsel for the Petitioner submit that this Petition may be disposed of with liberty to the Petitioner to submit his representation setting out how the Petitioner is entitled to have the benefit of the said policy and the Respondents be directed to consider the Petitioner's representation and take an appropriate decision on it, in accordance with the policy as may be applicable.

3 Keeping in view the aforesaid submissions, we dispose of the Petition with liberty to the Petitioner to submit his representation along with the documents, if any, before Respondent No.2. On receipt of the such representation, Respondent No.2 shall examine the same. Before taking any decision on the said representation, Respondent No.2 is directed to give an opportunity of being heard to the Petitioner. In case the Petitioner is found to be entitled for the said benefit as per the policy, an appropriate order to that effect be passed. Let this be done within a period of one month from the date of receipt of such representation.

4 With the aforesaid directions, the Writ Petition is disposed of accordingly.

(B. P. COLABAWALLA, J.)

(SHANTANU S. KEMKAR, J.)