

psv

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

**WRIT PETITION NO.2028 OF 2015
WITH
CHAMBER SUMMONS NO.233 OF 2017**

Oshiwara Mhada Gaondevi Complex ..Petitioner
Vs.
The State of Maharashtra & Ors. ..Respondents

Mr.E.A. Sasi for Petitioner.
Ms.Sharmila Deshmukh for Respondent Nos.2 and 3.
Mr.Mohit Jadhav, AGP for State-Respondent No.1.
Mr.Shirin Shaikh I/b.Raval Shah & Co. for Applicant in CHSW
No.233/17.

**CORAM : SHANTANU S. KEMKAR AND
G.S. KULKARNI, JJ.**

DATE : 10th OCTOBER 2017

P.C.:

1. The learned Counsel for the respondent Nos.2 and 3-MHADA, on instructions, submits that before passing the impugned order dated 5th January 2015 (Exhibit A), the petitioner has not been given an opportunity of hearing. In the circumstances, we are of the view that the impugned order, which has been passed behind the back of the petitioner against his interest, cannot be sustained. As a result, we set aside the impugned order dated 5th January 2015 with direction to the competent authority of MHADA to decide the matter afresh after giving an opportunity of hearing to the petitioner and all concerns.

2. The petitioner to appear before the competent authority of MHADA on 30th October 2017 at 11.00 a.m. The competent authority thereafter shall give an opportunity of hearing to the petitioner and all concern and shall pass appropriate orders in accordance with law within two months from the date of appearance of the petitioner before him.

3. With the aforesaid directions, Writ Petition is disposed of.

In view of the aforesaid order, the Chamber Summons is also disposed of.

[G.S. KULKARNI, J.]

[SHANTANU S. KEMKAR, J.]