

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

WRIT PETITION (L) NO. 1216 OF 2017

Rajan Dhanji Chedda

..Petitioner

v/s.

Nish Developers Pvt. Ltd. & Ors.

..Respondents

Mr. P.G.Sawant for the Petitioner.

Mr. S.G.Surana for the Respondent No.1.

Mr.G.D.Utangale i/b. Utangale & Co. for the respondent Nos.2 and 3
MHADA.

Ms. Trupti Puranik for MCGM.

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED : 21 DECEMBER, 2017.

P.C.

1. Heard the learned Counsels for the respective parties.
2. The petitioner, by this petition is challenging the notice dated 11th April, 2017 issued by Respondent No.2 MHADA, calling upon him to take possession of the shop No. S-2, on the ground floor of newly constructed rehab building no.2.
3. The notice is challenged on the ground that the respondent no.2 has made the said allotment without drawing lots. The

learned Counsel for MHADA submits that the procedure of drawing lots is contemplated only in respect of residential premises and not commercial premises.

4. The learned Counsel for the petitioner, has not been able to demonstrate that the allotment is in contravention of any provisions or that it is not in accordance with law.

5. In the light of the above, we are not inclined to entertain this petition under Article 226 of the Constitution of India. Petition is accordingly dismissed.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)