

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2106 OF 2017

Aliasgar Razaali Zaboli

...Petitioner

Versus

The Chief Officer, Mumbai Building Repair &
Reconstruction Board & Ors

...Respondents

Mr Rakesh Agrawal, *for the Petitioner.*

CORAM: G.S. PATEL, J

DATED: 27th November 2017

PC:-

1. An affidavit of service is taken on file. Rule, returnable forthwith. Respondents waive service.
2. The petitioner challenges a communication dated 3rd December 2014 at Exhibit “F”, pages 37-38 and show-cause notice dated 24th April 2017 at Exhibit “G”, pages 39-40 from MHADA.
3. The petitioner’s case is that he is the occupant of three residential rooms Nos. 24, 25 and 26, Mohammedi Mansion, Final Plot No. 400, TPS IV, Mahim Division, junction of Gokhale Road (South) and Baburao Parulekar Marg, Dadar (West), Mumbai 400028. Exhibit “F” indicates that without any notice to the

petitioner and without informing him the 1st respondent, the Chief Officer of the Mumbai Building Repair and Reconstruction Board passed an order making the 3rd respondent eligible to get permanent alternative accommodation, jointly with the petitioner. The petitioner first learnt of this from Exhibit "G", a communication from the Executive Engineer, MHADA dated 24th April 2017. The petitioner has, in order to safeguard his rights, accepted the joint allotment on a without prejudice basis. Hence, this petition.

4. MHADA will need to reconsider its decision of 3rd December 2014 simply because no notice was given to the petitioner and he was not heard.

5. The order dated 3rd December 2014 and the subsequent communication dated 24th April 2017 are both quashed and set aside.

6. Rule is made absolute in these terms. MHADA will hear both the petitioner and the 3rd respondent in regard to the entitlement to Room Nos. 24, 25 and 26 and pass an order in respect thereof without being influenced by the previous orders, all contentions being kept open, within eight weeks from the date when a copy of this order is uploaded.

7. The writ petition is disposed of in these terms. No costs.

8. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J)