

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 34 OF 2018**

Late Vinayak Govind Shinde, through Rajesh Vinayak Shinde
Versus
The Deputy Chief Officer & Anr

...Petitioner

...Respondents

Mr Sanjiv Sawant, i/b AP Deshmukh, for the Petitioner.
Mr SP Thorat, for Respondents Nos. 1 and 2-MHADA.

CORAM: G.S. PATEL, J
DATED: 22nd February 2018

PC:-

1. Mr Sawant agrees that he will make a fresh application to the 1st Respondent for allotment of suitable premises of the same area that the Petitioner had or a larger area, if permissible, and in accordance with current policy. That application will be made within 15 days from today and will be heard and disposed of on merits in accordance with the policy prevalent today within a period of two weeks thereafter.

2. It will **not** be open to the Petitioner to seek an order on the basis of an earlier policy which is no longer in force today. I am constrained to note this because Mr Thorat points out that there is a communication dated 20th February 2018 to him by which the 1st

Respondent has confirmed that as against the Petitioner's earlier area of less than 220 sq ft, he was offered a premises of an area of 383 sq ft on 16th September 2017, which he did not accept and instead asked even for a larger area. On 7th February 2018, MHADA has introduced a new lottery system by a circular of that date to ensure transparency. The Petitioner's application will thus be considered in line with the 7th February 2018 policy both in regard to the allotment and the area of the premises.

3. The Writ Petition is disposed of in these terms. There will be no order as to costs.

(G. S. PATEL, J)