Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2023 OF 2018

Yusuf Jamir Kazi .. Petitioner
Vs.
Maharashtra Housing and Area
Development Authority and ors. .. Respondents

Mr.Dharam Sharma I/b M/s.Dharam and Co., for the Petitioner.
Ms.Manish Jagtap & Mr.Sarang S.Karbhajan, for Respondents No. 1, 2 & 3.
Mr.Mohammad Akram Bastivi, for Respondent No.4.

CORAM : B.R.GAVAI &
M.S.KARNIK, JJ.
DATE : 15th OCTOBER, 2018

P.C. :

The Petitioner has approached this Court being aggrieved by order dated 03/02/2018 vide which the NOC granted by Respondent – Mhada to the Petitioner for redevelopment of the building has been revoked.

2. The Petitioner was granted NOC for redevelopment of property No. C.S.No.7/1865 of Byculla Division and Building

No. 9/13. As per NOC dated 16/02/2010 granted in favour of the Petitioner, the Petitioner was required to pay rent to the 30 tenants who were the members of the Respondent No.4-Society. However, it appears that the Petitioner has been very irregular in making the payment. As such, various show cause notices were issued to the Petitioner calling upon him to show cause as to why NOC granted in his favour should not be revoked.

3. It appears from the impugned order which is at Exhibit 'P' to the Petition that initially warning notice was issued to the Petitioner on 30/01/2016. Thereafter also show cause notices were issued on various dates including 07/07/2016 & 30/12/2017. The final show cause notice was issued to the Petitioner on 19/01/2018.

4. It appears that the Petitioner had informed the Authorities on 18/12/2017 that he should be granted 2 month's time to make payment of outstanding rent which was due from

the month of January 2016. Though the said time was granted, since the Petitioner did not comply with the statement made to the Authority, the Respondent- Mhada passed the impugned order on 03/02/2018. Almost 8 months period has lapsed from the date of passing of the impugned order. This Court had issued notice on 17/09/2018 to the Petitioner relying on the Petitioner that he is interested in making the payment. At least the Petitioner should have come with an offer to make payment. Today also he again seeks one month's time to make payment. The impugned order dated 03/02/2018 is a speaking order which shows that inspite of granting so many opportunities to the Petitioner, the Petitioner has failed to make payment of dues of the tenants.

5. In that view of the matter, we do not find any reason to interfere in the impugned order and invoke our extraordinary writ jurisdiction under Article 226 of the Constitution of India. Petition is dismissed.

(M.S.KARNIK, J.) **(B.R.GAVAI, J.)**