

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

WRIT PETITION (L) NO.837 OF 2018

Samata Nagar Co-Operative Housing
Societies Union Limited and Anr.

...Petitioners

vs.

The State of Maharashtra and Ors.

...Respondents

Mr. Venkatesh Dhond, Senior Advocate a/w. Mr. Saket Mone, Mr. Vishesh Kalra, Mr. Subit Chakrabarti i/b. Vidhi Partners, for the Petitioners.

Mr. Amit Shastri, AGP for the Respondent-State.

Mr. P.G. Lad a/w. Ms. Sayali Apte, for Respondent Nos. 2 to 4.

Mr. S.V. Gutte, for Respondent No. 5.

**CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.**

DATE : MARCH 19, 2018

P.C.:

- . Parties through their counsel.
2. Rule.
3. With consent of the parties heard finally and disposed of at the stage of admission.
4. The Petitioners claims to be an apex Cooperative Housing Society. It has filed this Petition seeking direction to Respondent Nos. 2 to 4 to consider and decide its application dated 20th February, 2018 (Exhibit "E").

5. It has been stated by the learned counsel for the Petitioners that there is an interim order passed on 2nd December, 2016 in Writ Petition (L) No. 3084 of 2016 directing to maintain status quo in respect of the premises in question but the said order of status quo will not come into the way of the Petitioners as the subject matter of the said Writ Petition (L) No. 3084 of 2016 is Plot No. T-1, T-6/3 & 4 as per the sanctioned plan of the year 2005 and the completion certificate dated 31st August, 2005. In the circumstances, according to him, there is no legal impediment for Respondent No. 4 to allow the Petitioners' request. According to the Petitioners, the prayer is in respect of Building No. 2-E and not the structures as referred to in the Writ Petition (L) No. 3084 of 2016.

6. Having heard the learned counsel for the Petitioners as also the learned counsel for Respondent-MHADA, we dispose of this Petition by directing Respondent No. 4 to consider and take appropriate decision on the Petitioners' request to initiate action under Section 95 (A) of the MHADA Act, 1976 made as per Exhibit "E", in accordance with law, if it finds that there is no legal impediment.

7. The decision as aforesaid be taken as expeditiously as possible, preferably within two months from the date of receipt of

copy of this order.

8. Rule made absolute with the aforesaid terms.
9. Parties to act on the authenticated copy of this order.

(MAKARAND KARNIK, J.)

(SHANTANU KEMKAR, J.)