

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

WRIT PETITION (L) NO.1793 OF 2018

Shaikh ZoeB Bhai Ahmedali Bootwala & Ors. ...Petitioners

vs.

Maharashtra Housing and Area Development
Authority and Others ...Respondents

Mr. Virag Tulzapurkar, Sr. Advocate a/w. Ms. Sowmya Srikrishna,
Mr. Denzil Arambhan, Ms. Nanki Grewal, Mr. Shlok Bolar and Ms.
Yogini Borade i/b.Wadia Ghandy & Co, for the Petitioners.

Mr. P.G. Lad a/w. Ms. Aparna Murlidharan and Ms. Sayli Apte, for
Respondent Nos. 1 and 2 – MHADA.

Dr. Birendra Saraf, Sr. Advocate a/w. Mr. Ashif Husain and Mr.
Rohan Sawant, for Respondent Nos. 3 and 4.

**CORAM : SHANTANU KEMKAR &
N. W. SAMBRE, JJ.**

DATE : JUNE 15, 2018

P.C.:

. Challenging the inaction on the part of Respondent Nos.
1 and 2 in regard to notice dated 11th January, 2018 (Exhibit “O”) issued to Respondent Nos. 3 to 25, the Petitioners have filed this Petition.

2. According to learned senior counsel for the Petitioners, it is the duty of Respondent Nos. 1 and 2 to take the said notice issued under Section 77(b) of MHADA Act, 1976 to its logical end.

3. Learned counsel for Respondent Nos. 3 and 4 submits

that Respondent Nos. 3 and 4 have already filed an application on 28th May, 2018 seeking permission to carry out the repairs. The said application has not been considered and decided as yet.

4. Having considered the submissions made by the learned counsel for the parties, we are of the view that this Petition deserves to be disposed of by directing Respondent Nos. 1 and 2 to take notice dated 11th January, 2018 to its logical end. The Respondent Nos. 3 and 4's application dated 28th May, 2018 also needs to be considered and decided.

5. In the circumstances, we dispose of this Petition by directing the competent authority of Respondent Nos. 1 and 2 to decide both the issues i.e. in regard to notice dated 11th January, 2018 and the Petitioner's application dated 28th May, 2018 after giving due opportunity of hearing to Respondent Nos. 3 and 4, as expeditiously as possible.

6. With the aforesaid direction, the Petition is disposed of.

(N.W. SAMBRE, J.)

(SHANTANU KEMKAR, J.)