

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

WRIT PETITION (L) NO.1886 OF 2018

Rajan Sahadev Loke	...Petitioner
vs.	
Lodha Home Developers Pvt. Ltd.	...Respondent

Mr. Siddharth Ronghe for the Petitioner.
Mr. Naushad Engineer M. Mukherji for Respondent Nos.1 and 2.
Mr. V.S. Kapse for Respondent No.3.

**CORAM : SHANTANU S. KEMKAR AND
NITIN W. SAMBRE, JJ.**

DATE : JUNE 6, 2018

P.C.:

. The Petitioner is challenging the Order dated 31.05.2018 Exh.“R”, by which Respondent No.5 MHADA by invoking the provisions under Section 95(A) of the MHADA Act has directed him to vacate Room No.7-B.

2. It is not in dispute that in the certified list prepared by MHADA, the name of Respondent No.3 is entered and not the name of the Petitioner. In the circumstances, when the Petitioner's name is not in the certified list for Room No.7-B the Petitioner cannot make any grievance about the impugned order. The Petitioner instead of challenging the said certified list by

approaching the Respondent No.5, has approached this Court for quashing the impugned order. It is also brought to our notice that the Petitioner has also filed Civil Suit No.6429/2018 before the City Civil Court at Mumbai for incorporating his name in the certified list prepared by MHADA.

3. Having regard to the aforesaid as the Petitioner has already approached the City Civil Court for redressal of his grievance and for inclusion of his name in the certified list and has not made any grievance by filing an application before the MHADA for removal of the name of the third respondent no relief as claimed in the Petition can be granted.

4. At this stage, the learned counsel for the Petitioner makes a prayer that the Petitioner will file an appropriate application before the MHADA and or shall appropriately amend the Civil Suit. The Petitioner may do so in accordance with law.

5. With the aforesaid, the Petition is dismissed.

6. All contentions are kept open.

(NITIN W. SAMBRE, J.)

(SHANTANU S. KEMKAR, J.)