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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1369 OF 2010

Nandan S. Damani And Anr.

...Petitioners

vs

State of Maharashtra And 3 Ors.

...Respondents

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Mr. Naushad Engineer, a/w. Mr. Murtuza Federal and Ms. Madhavi Doshi, i/b. M/s. Federal & Rashmikan, for the Petitioners.

Mr. Kamlesh Ghumre, a/w. Mr. Aditya Parulekar and Ms. Sonali Jadhav, for Respondent Nos. 1 and 2 – MHADA.

Mr. Shriniket Deshpande i/b. Naik Naik & Co., for Respondent No.4.

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CORAM : S.C. GUPTE, J.

DATED : 16 MARCH, 2018

P.C. :

. The petition challenges an order passed by Respondent No.2 -MHADA. The dispute concerns the status of the Association of Flat Purchasers – whether it should be a condominium of apartment owners or a co-operative housing society of individual flat purchasers. By the impugned order, MHADA has required the Petitioners, who are promoters of the project, to register a co-operative society and have the property transferred to it. That order is in challenge before this Court. During the pendency of this petition, it has been agreed between all stake-holders, including Respondent No.4, at whose instance the impugned order was passed by MHADA, that it will be in the interest of all the parties to have a scheme of apartment ownership, rather than a

co-operative housing society. In fact, to that end, supplementary declarations have been executed and lodged before the stamp authorities. In the premises, the impugned order passed by MHADA will have to be quashed and set aside. MHADA really has no effective role to play. The impugned order was passed as a result of dispute between the flat purchasers and since this dispute has been resolved, this order need not be sustained. Accordingly, the petition is allowed by quashing the impugned order of MHADA dated 27 April 2010. The Petitioners shall transfer the flats and tenements in the suit property to individual flat purchasers under the scheme of apartment ownership and will have a condominium created for management of the suit property. The petition is disposed of.

(S.C. GUPTE, J.)