

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.430 OF 2017

Aliasagar Razaali ZabolliPetitioner
versus
The State of Maharashtra and ors.Respondents

Mr. Rakesh K. Agrawal, advocate for the petitioner.
Mr. L. T. Satelkar, AGP for the State.
Mr. Nikhil Patil i/b. Mr. V. P. Sawant, advocate for the respondent Nos. 2 to 4.
Mr. Sagar Patil, Advocate for the MCGM.
Mr. Sanjay V. Kadam along with Ms. Apeksha Sharma, Mr. Sanjeel Kadam
and Ms. Sayli Rajpurkar i/b.Kadam and Co., advocates for the respondent
No.7.

**CORAM : RANJIT MORE &
SMT.ANUJA PRABHUDESSAI, JJ.**

DATE : 29th JUNE, 2018.

P. C. :

Heard.

2. By this petition, the petitioner has challenged the order dated 9th November, 2015, passed by MHADA (incorrectly typed as order dated 19th July, 2016 in the prayer clause of the petition). The petitioner simultaneously also filed an appeal being appeal No. 1 of 2016 before the High Power Committee. The said appeal was heard by the High Power Committee and disposed of by its order dated 28th April, 2017, in view of the pendency of the present writ petition.

3. The learned counsel for the respective parties concede that the impugned order was appealable before the High Power Committee. The petitioner has availed this efficacious remedy and though the appeal was maintainable, the High Power Committee has dismissed it only on the ground of pendency of this petition.

4. The learned counsel for the respective parties concede to set aside the order dated 28th April, 2017, passed by the High Power Committee in Appeal No.1 of 2016 .

5. In the light of the above, we pass the following order:

- (i) The order dated 28th April, 2017 passed by the High Power Committee in Appeal No.1 of 2016 is quashed and set-aside and the matter is remanded to the High Power Committee to decide the said appeal independently on its own merits and in accordance with law.
- (ii) The High Power Committee shall decide the said appeal as expeditiously as possible and, in any case, within a period of four months from the date of receipt of this order.

- (iii) All rights and contentions of the respective parties are kept expressly open to be agitated before the High Power Committee.

The writ petition stands disposed of accordingly.

[SMT.ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]