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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

CIVIL WRIT PETITION NO.6945 OF 2017

Imran Yusuf Shaikh
Versus
State of Maharashtra and Ors.

...Petitioner
...Respondents

Mr.Rakesh Mishra i/b Mr.B.G.Legal, for the Petitioners.

Ms.S.D.Vyas, 'B' Panel, for the Respondent – State.

Mr.Ashutosh Gole, for the Respondent No.8.

Mr.F.A.Wasif i/b Mr.N.R.Bubna, for the Respondent No.9.

***CORAM : B.P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.***

DATE : 18th JANUARY, 2019

P.C. :

1. The Petitioner claims to be a citizen eligible to seek a tenement constructed for economically weaker section in a scheme sanctioned under Section 20 of the Urban Land (Ceiling and Regulation) Act, 1976. The scheme is constructed by Respondent No.8 – Builder.

2. The papers show that the Petitioner had applied on 23rd February, 2017 to that builder for allotment and expressed his readiness and

willingness to purchase the tenement. A copy of this application is given to the office of the Collector and Competent Authority, which is Respondent No.2. Thereafter, on 7th April, 2017, Petitioner had applied to the Respondent No.2 - Collector and Competent Authority, for initiation of criminal action.

3. The Petitioner has not pointed out that any particular or specific tenement is available and is still unalloted.

4. In any case, if such tenements are construction for weaker section, allotment thereof, will be regulated by the Respondent No.2 and the Respondent No.8 would not be in a position to sell it in the open market.

5. At this stage, our attention is drawn to clause No.5 in order dated 31st July, 2006, pointing out that the Competent Authority has asked the Respondent No.8 to maintain a Register in this respect.

6. Taking over all view of the matter, we find that the Petitioner has to make an appropriate representation and demand to the Respondent

No.2 – Collector and Competent Authority. We, therefore, grant the Petitioner that liberty. If such an application is made within four weeks from today, the Respondent No.2 - Collector and Competent Authority, shall take necessary action upon it, as per law, in next three months.

7. With these directions, we dispose of this Petition.

REVATI MOHITE DERE, J.

B.P. DHARMADHIKARI, J.