

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (ST.) NO.27915 OF 2019

Dilipkumar Limbaji Potawale ... Petitioner
Vs.
Mumbai Housing and Area Development Board,
Griha Nirman Bhavan, Kalanagar ... Respondent

Mr. A. A. Kulkarni for Petitioner.
Mr. S. S. Diwan i/b. Mr. Shinde for Respondent.

CORAM : UJJAL BHUYAN, J.
DATE : NOVEMBER 18, 2019

P.C. :

Heard Mr. Kulkarni, learned counsel for the petitioner and Mr. Diwan, learned counsel for the respondent i.e. Mumbai Housing and Area Development Board.

2. Petitioner is aggrieved by order dated 28.02.2014 passed by the respondent whereby allotment of the concerned tenement in favour of the petitioner was cancelled.

3. It is submitted at the Bar that against such an order, appeal lies under Regulation 18(4) of the Maharashtra Housing and Area Development Authority (Estate Management, Sale, Transfer and Exchange of Tenement) Regulations, 1981 before the Chief Executive Officer of MHADA.

4. In view of the alternative remedy available to the petitioner, learned counsel for the petitioner seeks liberty to withdraw the writ petition and to avail the alternative remedy. Learned counsel for the respondent has no objection.

5. After hearing learned counsel for the parties and on due consideration, petitioner is permitted to withdraw the writ petition with

liberty to file appeal before the appropriate authority under the aforesaid provisions of law and if the appeal is filed within a month from today, the appellate authority shall decide the appeal in accordance with law.

5.1. All contentions are kept open.

6. Writ petition is disposed of.

(UJJAL BHUYAN, J.)

Minal Parab