

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

**WRIT PETITION NO. 459 OF 2016**

Harshvardhan Shantilal Bahmre ... Petitioner  
V/s.  
Additional Collector and Competent Authority  
(Urban Land Ceiling) Gr. Mumbai & Anr. ... Respondents

Mr. Ajit S. Hodage i/b Mr. P.G. Karande for the Petitioner.  
Mr. L.T. Satelkar, A.G.P. for the Respondent- State.

**CORAM : A.A. SAYED AND  
RIYAZ I. CHAGLA, JJ.**

**DATE : 12<sup>th</sup> FEBRUARY, 2019.**

**ORDER :**

1 Learned A.G.P. has tendered affidavit of Subhash Madhavrao Kanchar, Naib Tahsildar, Office of the Collector & Competent Authority (ULC), wherein in paragraph Nos.3 to 8, it has been stated as follows :

*“3. I further say and submit that Petitioner Harshvardhan Shantilal Bhamare in Handicapped Category, was allotted Flat No. 5 + 6, Third Floor, Mayfair Garden, Vile Parle, Mumbai under the discretionary quota of the Hon’ble Chief Minister vide letter dated 31.01.2004*

*of Government Urban Development Department and letter dated 13.02.2004 of Additional Collector and Competent Authority (ULC) Brihanmumbai.*

4. *I further say that, thereafter as per Judgment of Order in PIL No.2 of 2012, Hon'ble High Court appointed Hon'ble Mr. Justice J.A. Patil (Retired) Committee for enquiry of allotment of flats under discretionary quota of Hon'ble Chief Minister. As per report filed by said Committee, it is revealed that many allottee, including Petitioner got more than one Flat allotment.*

5 *Thereafter as per guidelines laid down by said Committee, and as per direction given by Government, Urban Development Department vide letter dated 18.12.2015, Additional Collector and Competent Authority (ULC) passed impugned Order dated 28.12.2015, whereby cancelled original allotment Order dated 13.02.2004 and directed Petitioner to surrender to said Flat No. 5 and 6 to Government. Thereafter Additional Collector and Competent Authority (ULC) issued revised Order dated 15..01.2016 directing Petitioner to surrender second Flat No. 6 on third Floor, May fair Garden, Vile Parle. This Order is challenged by this Petitioner, by and way of this Petition.*

6. *I say that, in Cabinet Sub-Committee Meeting of 10.04.2018 in regards to The Urban Land (Ceiling &*

*Regulation) Act, 1976, certain policy decision was taken. In the said meeting decision was taken in regards to such allottee, who got more than one Flat as allotment. It was decided that, those allottee got more than one flat, he can pay for that extra flat as per ready recknor rate in that year and said can be regularize. Hereto annexed and marked as **Exhibit “A”** is the copy of the said Circular dated 11<sup>th</sup> June, 2018.*

*7. It was further decided, that if Applicant has made application for only One Flat. But while allotting, if Government has allotted combined two small flat, and said was allotted to Allottee, said also to be regularized.*

*8. I say that, the Petitioner herein has applied for one Flat, But while allotting his flat, authority given him two small Flat as combined one unit, hence his case falls in the abovesaid category.”*

2 In light of the above, the impugned orders dated 28.12.2015 and 15.01.2016 would have to be set aside and accordingly set aside. The Petitioner may apply to the State Government to have his allotment regularized. The Petition to stand disposed of accordingly.

**(RIYAZ I. CHAGLA J.)**

**(A.A. SAYED, J.)**