

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

Writ Petition No.1631/2017

Zubair Alam Ansari

..... Petitioner

Vs.

MHADA & Ors.

..... Respondents

Basavraj
G. Patil

Digitally signed by
Basavraj G. Patil
Date: 2019.12.18
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Mr. Altaf Khan i/b. Shivraj Kunchge for the Petitioner
Mr. Girish Utangale a/w. Mr. Kunal Chheda i/b. Utangale &
Co. for Respondent Nos.1 and 2.
Mr. Kedar Dighe, AGP for Respondent Nos.3 and 4.

**CORAM: K.K.TATED &
SARANG V. KOTWAL,JJ.**

DATED : DECEMBER 16, 2019

P.C.

1 Heard.

2 Rule. By consent of the parties, Rule is made returnable forthwith.

3 By this Writ Petition under Article 226 of the Constitution of India the Petitioner seeks direction against the Respondent MHADA not to evict him from the suit premises being Gala No.2/169, situated at Plot No.2, Bharat Nagar, Bandra (East), Mumbai - 400051 without following due process of law.

4 It is the case of the Petitioner that Respondent MHADA, by letter dated 19.12.2005 had accepted sum of Rs.1,665/- and transferred the said premises in his name.

He submits that in spite of that, the Officers of the Respondent MHADA are threatening the Petitioner of evicting him from the said premises. Hence, the Writ Petition.

5 On the other hand, the learned counsel for the Respondent MHADA has filed Affidavit-in-Reply. It is nowhere denied by the MHADA in the Affidavit-in-Reply that they have not issued letter dated 19.12.2005, Exhibit-B, page 14, to the petition.

6 This itself shows that the Petitioner is in possession of the suit premises on the basis of the letter dated 19.12.2005. There is no question of evicting the Petitioner from the said premises without following due process of law.

7 Hence, the Writ Petition is allowed in terms of prayer clause (a) which reads thus:

“(a) That, this Hon'ble Court be pleased to issue Writ of Mandamus and/or any other appropriate Writ, Order exercising powers under Article 226 of the Constitution of India, 1950 restraining the MHADA Authorities, its officers and the police authorities not to take any coercive steps against the Petitioner in respect of suit premises bearing Gala NO.2/169, situated at Plot No.2, Bharat Nagar, Bandra (East), Mumbai - 400051 without compliance of any due process of law”.

8 Rule is made absolute.

9 The Writ Petition stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)