

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

WRIT PETITION NO.1305 OF 2016

Shailaben Bhatu Nikam

Petitioner

versus

Maharashtra Housing and Area Development
Authority and another

Respondents

Mr.Tanaji Mhatrugade i/by Sandeep Phatak for Petitioner.
Mr.PG.Lad with Priyanka Naik for Respondent nos.1 and 2 MHADA.
Mr.Hemant Haryan, AGP, for State.

CORAM : A.A.SAYED AND
PRAKASH D. NAIK, JJ.

DATE : 9th October 2019

PC :

1. Learned Counsel for MHADA has pointed out that allotment of the subject tenement bearing Room No.104, Building No.284-4B situated at Vinoba Bhave Nagar, Kurla, is already made to a third party i.e. Mr.Dashrath Aswale on 23rd December 2016 as the Petitioner had failed and neglected to pay the sum of Rs.15 lakh despite letter date 18th March 2016. Learned Counsel for MHADA has pointed out letter dated 20th May 2015 (page 46 of the Petition paper book and Exhibit-II to the Affidavit-in-Reply) wherein the Petitioner was informed that it was mandatory to pay 25% amount of the flat i.e. Rs.3,75,000/- within 30 days and the balance amount of 75% of Rs.11,25,000/- within further 60 days.

2. Admittedly, the said amount has not been paid by the Petitioner. Moreover, as pointed out by the learned Counsel for MHADA, the allotment has already been made to a third party as far back as on 23rd December 2016. The third party whose rights would be affected, has not been impleaded as party Respondent.

3. In the circumstances, we decline to entertain the Petition. The Petition is dismissed.

(PRAKASH D. NAIK, J.)

(A.A.SAYED, J.)

MST