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

WRIT PETITION NO. 2518 OF 2018

Mahesh Vasant Patil .. Petitioner
v/s.
MHADA & Ors. .. Respondents

Mr. H.S. Venegavkar a/w Mr. Vinit Vaidya I/b Mr. Tejas Dhotre for the petitioner
Mr. Prabhakar Jadhav a/w Ms. Priyanka Ved I/b V.P. Sawant for respondent nos. 1 to 4
Mr. Mahesh V. Patil, petitioner present in Court

CORAM : AKIL KURESHI &
S.J. KATHAWALLA, J.J.

DATED : 17th JULY, 2019

P.C.

1. Time for submitting re-verification in terms of our order dated 3rd July, 2019 is extended by one week.

2. The petitioner has challenged a communication dated 1st July, 2017 issued by MHADA conveying that the petitioner was not eligible for allotment of the residential unit in MHADA Scheme for which he had applied.

3. The facts on record which suggest that the petitioner is the employee of CBI. He had applied for allotment of flat in the year 2006 to MHADA. This was on the basis of his income received from his

employer as well as the additional income of Rs.7,000/- per month of his wife which he claimed that his wife was receiving from her employer namely one Hemraj Gangji & Co. dealing in the wholesale business of edible oil. At one stage, the MHADA Authorities considered the petitioner eligible, later on however, on complaints being made raising doubt about the wife's earning, further investigation was carried out. As a culmination of such investigation, the impugned communication came to be issued.

4. Learned Counsel for the petitioner vehemently contended that the petitioner produced a certificate of the ex-employer of his wife clearly certifying that in the year 2005-06 she was employed on a monthly salary of Rs.7,000/-. He had produced additional materials to establish the fact that MHADA Authorities have incorrectly discarded such material and held the petitioner ineligible.

5. On the other hand, learned Counsel appearing for the MHADA submitted that full inquiries were made. The Certificate was found to be not genuine. The petitioner had produced the said certificate only in order to show higher family income. There were materials suggesting that said Hemraj Gangji & Co. was not regularly engaged in the business as claimed.

6. Having heard the learned Counsel for the parties and having perused the documents on record, we find that the conclusions arrived at by MHADA Authorities are purely factual in nature. The conclusions are based on attendant materials and documents. It was pointed out that M/s. Hemraj Gangji & Co. was not registered under the Professional Tax Act during the year 2005-06. Even after the period as late as in the year 2016, NIL return was filed since income was inadequate. The employer had not maintained the register of the employees. It is on the basis of such circumstances, that the MHADA Authorities came to the conclusion that the certificate of income of the wife of the petitioner was incorrect one, and obtained only to increase the family income which would qualify the petitioner to apply for allotment of larger unit. We do not find any error in the view of the respondents which can be corrected in exercise of writ jurisdiction under Article 226 of the Constitution of India.

7. Accordingly, the Petition is dismissed.

(S.J. KATHAWALLA, J.) **(AKIL KURESHI, J.)**