

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

WRIT PETITION NO. 2458 OF 2015

Sujata Shivram Shinde

....Petitioner

V/S

Mumbai Metropolitan Region Development
Authority & Ors

....Respondents

Mr.C. K. Tripathi, for the Petitioner

Mr. Mandar Bangale i/b The Law Point for the Respondent No 1 for
Respondents

**CORAM : A. A. SAYED &
PRAKASH D. NAIK, JJ.**

DATED : 25th JUNE 2019

P.C.:

The prayer in the Writ Petition is for a direction to the Respondent No. 1-MMRDA, to evict the Respondent No. 3 from the premises in question viz. Room No. 005, Building No. 16, Om Shivsai CHS Ltd. MMRDA Colony, Anik Village Vashinaka, Chambur, Mumbai 74 and handover vacant and peaceful possession thereof to the Petitioner. There is also a prayer to provide any other alternate premises to the Petitioner in lieu of the aforesaid premises.

2. It is not in dispute that the husband of the Petitioner Shivram S. Shinde, (since deceased) was allotted the aforesaid room by Respondent No.1-MMRDA under MUTP. In the Affidavit-in-Reply, it is pointed out by the Respondent No. 1-MMRDA that husband of the Petitioner was handed over

possession of the aforesaid room as far back as in the year 2004 and they have relied upon the signature of the husband of the Petitioner in the Register maintained by the Respondent No. 1-MMRDA, copy whereof is annexed at page No. 121 of the Petition. Learned Counsel for the Petitioner, however, submits that the said signature is not of the husband of the Petitioner.

3. It is noticed that the allotment was made as far back as in the year 2004 and the present Writ Petition has been filed in the year 2015. The husband of the Petitioner died in the year 2009. During his life time, the husband of the Petitioner did not raise any grievance as regards possession of the aforesaid room.

4. In the circumstances, issues raised in this Petition are not only belated but are pure questions of fact. Hence, we are not inclined to entertain the Petition. The Petition is accordingly dismissed.

5. It will be open for the Petitioner to resort to appropriate remedy, if so permissible in law.

(PRAKASH D. NAIK,J.)

(A.A.SAYED, J.)