

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

**WRIT PETITION {L} NO.2286 OF 2019**

Avinash Ramchandra Bhojane

.... Petitioner

Vs.

The Land Manager & Competent  
Authority, MHADA & Anr.

.... Respondents

Mr. A.N. Giri for the Petitioner.

Mr. P.G. Lad for the Respondents.

**CORAM:** S.C. DHARMADHIKARI &  
G.S. PATEL, JJ.

**DATE** : AUGUST 07, 2019

**P.C:**

1. Mentioned. Not on board. Taken up on production board as urgency was made out.

2. The petitioner says that, one Kailashram Ramgulam inducted his mother Ratnamala Ramchandra Bhojane in a slum structure. That was a censused slum. The argument is that the petitioner's predecessor, namely, his mother has been inducted before the cut-off date.

3. The Maharashtra Housing and Area Development Authority (“MHADA”), who is the Competent Authority, says otherwise.

4. The argument of Mr. Lad, appearing on behalf of the respondents, is that, if the structure and the occupant both are not found on the cut-off date, then, all that the Authority has done is to display the name of the vendor Kailashram Ramgulam. He is shown to be eligible for the permanent alternate accommodation and not the petitioner or his mother. This is an illegal transfer in the name of the petitioner’s mother and consequently the petitioner. The Assistant Registrar, Co-operative Societies could not have decided the issue which was exclusively within the jurisdiction of the Competent Authority like MHADA and his direction to the Co-operative Housing Society to admit the petitioner as a Member and issue a Share Certificate to him, will not suffice.

5. This is a factual dispute and we do not wish to enter into the same. Let the petitioner appear before the Competent

Authority on 13-8-2019 at 11:00 a.m., with necessary documentary proof.

6. The petitioner can also raise the issue of jurisdiction. The Competent Authority, after hearing the petitioner and scrutinising the documents, will pass a speaking order and communicate the same to the petitioner. Until this process is completed, the petitioner shall not be forcibly evicted from the premises in question.

7. However, we impose a condition on the petitioner that he shall not induct any third party in the premises nor part with the possession thereof in any manner whatsoever.

8. The writ petition is disposed of by clarifying that we have not examined the correctness of the rival contentions.

(G.S. PATEL, J.)

(S.C. DHARMADHIKARI, J.)