

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2718 OF 2018

Mrs. Hiramani Madhukar Sangawar ... Petitioner

Versus

MHADA and Ors. ... Respondents

Mr. Sanjay Bhatia for the Petitioner.

Ms. Manisha Jagtap for respondent nos. 1 and 2.

**CORAM : B.P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.**

DATE : FEBRUARY 27, 2019

P.C.:

Learned counsel for the Petitioner states that the petitioner has Letter of Administration issued by this Court in her favour. In addition, as per last clause of the letter of allotment dated 16/10/2015, she had also furnished the release deed duly executed by other heirs of the deceased. In addition, heirship certificate under the regulations is also obtained and was available on record to the respondents.

2. Learned counsel for the respondents relies upon the impugned order dated 11/05/2018 to show that there the authority has expressly found it unsafe to rely upon the letter of

administration. The authority therefore, has called upon the petitioner to produce the heirship certificate issued by the High Court.

3. Parties are not in a position to point out under which provisions this court can issue such certificate. It appears that at the time of hearing, petitioner had claimed that one Shri. Lokhande (complainant before respondents) was raising frivolous objections. Said Lokhande had produced agreement and the petitioner there had contended that her signatures were obtained on blank papers. She had also claimed that she had not sold the said room to Shri. Lokhande.

4. The hearing conducted by Chief Officer of MHADA shows that said Lokhande was heard by the said authority.

5. Petitioner has not joined said Lokhande as party in the present petition. We cannot forget that said Lokhande is claiming title through the petitioner only.

6. In this situation, we find that interest of justice can be met with by directing the petitioner to submit the heirship certificate again to respondent nos. 1 and 2. Respondent nos. 1 and 2 shall thereafter hear the petitioner and said Lokhande and take further decision in accordance with law at the earliest. With the said

liberty to the petitioner, we dispose of the present writ petition.

(REVATI MOHITE DERE, J.)

(B.P. DHARMADHIKARI, J.)