

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
O.O.C.J.  
WRIT PETITION NO.1220 OF 2018**

Shri Navyuvak Harijan Utthapan Coop. Hsg. Society Ltd. ... Petitioner

Vs

Union of India & Ors. ... Respondents

Mr.Dharam Jumanı with Ms.Aradhana Bhansali i/b Mr.Sanjay Sinha for the Petitioner

Mr.Mohit Sahani i/b Mr.Ashish Mehta for the Respondents

**CORAM: AKIL KURESHI &  
S.J. KATHAWALLA, JJ.  
DATED: JULY 3, 2019**

**P.C.:**

1. The petitioner is a society registered under the provisions of the Maharashtra Cooperative Societies Act, 1960 established for the welfare of Harijan Community (Scheduled Caste community). Under an Agreement dated 12.12.1979 executed between the Petitioner Society and the Respondent No.2, certain lands were leased in favour of the Petitioner by the Respondent No.2 for a period of 99 years to construct buildings and provide residence to the members of the Scheduled Caste community (the said Agreement). In March, 1982, an agreement was executed by and

between the Society and the Developer to construct residential buildings and accordingly, residential buildings were constructed. There were certain disputes pertaining to the allotment of the flats constructed which was ultimately sorted out by an order of the Supreme Court of India dated 1.9.2000.

2. According to the petitioner, presently 139 members of the society reside with their families in the said buildings. However, the said buildings are in a dilapidated condition. According to the petitioner, the residents are interested in redevelopment of the said buildings. However, they are not being given NOC by the respondent No.1.

3. It is specifically provided/agreed in the said Agreement that no construction can commence on the said lease plot without submission of plans of such proposed construction to the Respondent No.1 and the Municipal Corporation. Admittedly, no such plans have been submitted by the society to respondent No.1 to enable them to consider the same and issue an NOC for such redevelopment. The learned Advocate appearing for the petitioner states that the Petitioner society has already appointed a project Management Consultant (PMC), who will prepare the plans and

submit the same to the Respondent Nos.1 and 2 as well as to the Corporation and if thereafter, the Petitioner is faced with any problem qua the NOC, the Petitioner would approach the appropriate authority and/or this Court. In view thereof, the following order is passed:

- i) The petitioner shall within a period of four weeks from today, submit the building plans to respondent Nos.1 and 2 as well as to the Municipal Corporation.
- ii) The Municipal Corporation shall submit its report and comments on the said plan to respondent Nos.1 and 2 within two weeks thereafter.
- iii) Upon receipt of such comments from the Corporation, Respondent Nos.1 and 2 shall within four weeks thereafter, decide the application of the petitioner seeking NOC from respondent No.1.
- iv) All contentions of the parties are kept open.

4. Writ Petition is accordingly disposed of accordingly.

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

**(AKIL KURESHI, J.)**