

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.**

WRIT PETITION NO.1507 OF 2018

Mahesh Bhagirath Talpatriwala @
Mahesh Bhagirath Chouhan

... Petitioner

Vs

Maharashtra Housing and Ara
Development Authority & ors.

... Respondents

Mr.Dharam Sharma with Ms.Uma Sharma for Dharam & Co. for
the Petitioner

Mr.P.G. Lad with Ms.Aparna K. and ms.Sayli Apte for Respondent
Nos.1, 2 and 3

Mr.Ketan Parekh i/b K.R. Parekh & CO. for Resp. Nos.5 to 7

Mr.Mayur Khandeparkar i/b Kishore Thakordas & Co. for Resp.
No.8

Mr.Milind More, Addl. G.P. for Resp. No.9

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

DATED: SEPTEMBER 24, 2019

P.C.:

1. By order dated 5.5.2016 passed in Writ Petition No.1408 of
2014, the Division Bench of this Court (S.C. Dharmadhikari and
Shalini-Phansalkar Joshi, JJ.) *inter alia* passed the following order:

"3 As far as the petitioner No.22 is concerned, he is present in Court. He is carrying on a commercial activity. He will be allotted a shop on the ground floor of the proposed building admeasuring 20.24 square meters. Mr.Sharma states on instructions from him that presently there is a mezzanine floor and which is being utilized by him. We do not know whether any policy of the Corporation or MHADA permits any such mezzanine floor and to be put up. If that is a policy, the benefit thereof can surely be availed of by the said petitioner by approaching the competent authorities. We say nothing more."

2. Pursuant thereto, the petitioner herein (petitioner No.22 in Writ Petition No.1408 of 2014) filed a representation before 15.2.2017 to MHADA to which there is no response till today. In view thereof, we direct as follows:

- i) MHADA shall give a hearing to the Developer, landlord as well as petitioner No.22 as also the petitioner herein and dispose of the application filed by the petitioner dated 15.2.2017 within a period of four weeks from today.
- ii) The parties and advocates shall appear before the Chief Officer, MHADA on Monday, the 30th September, 2019 at 12 noon, when a hearing shall be given to them.
- iii) This order shall not prejudice any proceedings pending

between the landlord and the petitioner.

(iv) All contentions of the parties are kept open.

3. Writ Petition is accordingly disposed of.

(S.J. KATHAWALLA, J.)

(AKIL KURESHI, J.)