

R.M. AMBERKAR
(Private Secretary)

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

WRIT PETITION (L) NO. 3847 OF 2018

Pravin Ramarao Mhatre

.. Petitioner

Versus

Maharashtra Housing and Area
Development Authority & Ors.

.. Respondents

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- Mr. Nakul Jain i/by Mr. Jainesh Jain for the Petitioner
 - Ms. Manisha Jagtap for Respondent No. 1
 - Mrs. Pooja Yadav for Respondent No. 2 - MCGM
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CORAM : AKIL KURESHI &
SARANG V. KOTWAL, JJ.

DATE : MAY 3, 2019.

P.C.:

1. Petitioner is an owner of the building which is under repairs and renovation at the hands of respondent Nos. 1 and 3 i.e MHADA. When the work had begun, the petitioner having come to know about it, filed this petition and opposed the continuation of the work, primarily on the ground that such work had started without any notice to the petitioner. The petitioner was, therefore, even not aware about the scope of the work. By an interim order dated 12.11.2018, this Court had restrained the respondents from carrying out

further repairs. This order was continued from time to time.

2. This petition was mentioned before us by the learned counsel for the petitioner for urgent circulation on the ground that the part of the work already undertaken by the respondents before such order dated 12.11.2018 could be passed included digging up of the terrace. Since the monsoon is advancing, leaving the terrace in such condition would be detrimental to the building. We had, therefore, permitted circulation of the petition.

3. Today, after some discussion at the bar, learned counsel for the petitioner under instructions stated that as the petitioner now made aware about the scope of the work, would not oppose the completion of the repair work as per such scope of the work. The entire issue, therefore gets resolved.

4. Learned counsel for the petitioner, however, submitted that as in the present case, in the past also, such work had been undertaken without notice to the petitioner which is

contrary to the legal requirement.

5. With respect to the last submission, we express no opinion, however, we expect that any future work of the repair that MHADA may undertake would be after following due process of law.

6. In view of above, the petition is disposed of.

7. Ad-interim relief, if any, stands vacated.

[SARANG V. KOTWAL, J.]

[AKIL KURESHI, J]