

3. Mr. Tripathi, learned Counsel appearing for the petitioner submits that the petitioner was occupant of Room No.5, 2nd Floor, Ravji Vanjari Gyanganga Chawl No.50, Kamathipura 3rd Lane, Mumbai – 400 008. He submits that because of the dilapidated condition of the said building, respondents-MHADA directed him to vacate the same and allotted a room in the transit camp. He submits that thereafter time and again, the petitioner approached respondents-MHADA for allotment of tenement to him.

4. Mr. Tripathi, learned Counsel appearing for the petitioner submits that earlier also the respondent i.e Chief Executive Engineer (II) MHADA Authority vide his order dated 14th January, 2020 rejected the petitioner's application for allotting him alternate permanent tenement only on the ground that the old building is going to be re-developed. He submits that thereafter the petitioner approached the concerned officer and at that time, the concerned officer informed the petitioner that there is no proposal for re-development. In support of his contention, learned Counsel for the petitioner relies upon a letter dated 23rd July, 2019 (Exhibit J).

5. Mr. Tripathi, learned Counsel appearing for the petitioner submits that in view of this fact, the petitioner has preferred the present Writ Petition seeking direction to the respondents to hold him eligible for allotment of alternate tenement in the master list/ NOC Building and to allot him any tenement of area admeasuring 500 square feet or above from the Master List/NOC Building. He submits that in the alternate, the petitioner also seeks direction to

the respondents to allot him Room No.601, and/or Room No.602 bearing C.S. No.815 of Lower Parel Division, Building No.30, 4 and 4A, Luis Building, N.M. Joshi Marg, Mumbai Shilp CHS, B-Wing from the Master List/NOC Building.

6. Mr. Kulkarni, learned Counsel appearing on behalf of respondents-MHADA submits that this Court by an order dated 2nd March, 2021 directed respondents-MHADA to consider the petitioner's case for permanent alternate tenement by including his name in the master list. This Court directed the petitioner to make appropriate application to the Chief Officer MHADA. He submits that thereafter the concerned officer after hearing the petitioner passed an order dated 26th March, 2021 (wrongly mentioned as "26th February, 2021) on the application of the petitioner holding that the petitioner is not entitled for permanent alternate tenement. He placed on record copy of the said order. The same is taken on record and marked 'X' for identification.

7. Mr. Kulkarni, learned Counsel appearing on behalf of respondents-MHADA submits that in view of subsequent developments, nothing survives in the present petition. He submits that the order dated 26th March, 2021 passed by the concerned officer can be challenged by the petitioner by way of second appeal as provided under Rules and Regulations of MHADA.

8. It is to be noted that as per the earlier order dated 2nd March, 2021 passed by this Court, the petitioner had made application to MHADA and the same was decided by the concerned

officer by an order dated 26th March, 2021 holding that the petitioner is not entitled for alternate permanent tenement in the Master List Building. Apart from that, against the said order, second appeal is maintainable. An alternate efficacious remedy is available to the petitioner against the subsequent order dated 26th March, 2021. Hence, we do not find any reason to entertain the present petition under Article 226 of the Constitution of India. Hence, the following order;

: ORDER :

[a] Writ Petition stands dismissed as alternate efficacious remedy is available to the petitioner.

[b] No order as to costs.

[PRITHVIRAJ K. CHAVAN, J.]

[K. K. TATED, J.]