

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.753 OF 2021**

Jagdishchandra Dahyabhai Patel and another.] Petitioners

Vs.

The State of Maharashtra and others.] Respondents

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Mr Anirudh Hariani a/w Mr Rhishikesh Bidkar i/b Hariani & Co., for
Petitioners.

Mr. P.G. Lad, for Respondents No.2 and 3-MHADA.

Mr. R.Y. Sirsika, for Respondent-MCGM.

Mr. Sharad Bansal, Mr. Ritesh Jain i/b MJ Juris, for Respondent No.5.

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**CORAM : K.K. TATED &
PRITHVIRAJ K. CHAVAN, JJ.**

DATE : 5th AUGUST, 2021.

P.C.

1. Heard learned Counsel for the parties.
2. Main grievance of the petitioners in the present petition is that Respondents No.2 and 3-MHADA failed to comply the order dated 14th August, 2020 passed by this Court in Writ Petition No.1801 of 2015 at the time of deciding their representation dated 2nd September, 2020. Hence, the order passed by respondents No.2 and 3-MHADA dated 15th December, 2020 is required to be set aside.

3. This Court by an order dated 3rd August, 2021 directed the learned Advocate appearing on behalf of respondents No.2 and 3-MHADA to take instructions from the concerned officer whether they are ready and willing to re-hear the representation dated 2nd September, 2020 and decide the same on merits after considering the documents placed on record by the petitioners.

4. Today, Mr. Lad, learned Counsel appearing on behalf of respondents No.2 and 3-MHADA submits that he received instructions from the concerned officer of MHADA that they have no objection to set aside the order dated 15th December, 2020 passed by them and re-hear the petitioners' representation dated 2nd September, 2020 on its own merits as per the order dated 14th August, 2020 passed by this Court in Writ Petition No.1801 of 2015. Mr. Lad, learned Counsel appearing on behalf of respondents No.2 and 3-MHADA submits that they will require at least 8 weeks time to decide the same after hearing both the parties.

5. Mr. Lad, learned Counsel appearing on behalf of respondents No.2 and 3-MHADA submits that he has received instructions from Chief Officer, M.B.R & R. Board, Mumbai that both the parties to appear before him on 10th August, 2021 at 12.00 noon for preliminary hearing.

6. Hence, by consent of learned Counsel for the parties, following order is passed;

: ORDER :

- (a) Order dated 15th December, 2020 passed by Chief Officer-M.B.R & R Board, Mumbai is set aside;
 - (b) Matter is remanded to the Authority to decide petitioners' representation dated 2nd September, 2020 on its own merits considering all the documents as per the order dated 14th August, 2021 passed by this Court in Writ Petition No.1801 of 2015;
 - (c) Parties to appear before the Chief Officer, M.B.R & R Board, Mumbai on 10th August, 2021 at 12.00 noon for preliminary hearing.
 - (d) Respondents No.2 and 3-MHADA to hear all the parties.
 - (e) Writ Petition stands disposed of.
 - (f) No order as to costs.
 - (g) All contentions of both the parties are kept open.
7. All the parties to act upon the authenticated copy of this order.

[PRITHVIRAJ K. CHAVAN, J.]

[K. K. TATED, J.]