

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.6 OF 2019

Shobana Kulkdeep Bhatiya ... **Petitioner**
versus
The State of Maharashtra & Ors.... **Respondents**

Mr.Vishal Kanade i/b. Mr.Rupesh Zade, Advocate for the
Petitioner.

Mr. Shamrao B. Gore, AGP for the Respondent/State.

Mr.P.G.Lad a/w. Ms.Priyanka Naik, Advocate for the Respondents No.2 and 3/MHADA.

**CORAM :- DIPANKAR DATTA, CJ &
G. S. KULKARNI, J.**

DATE :- APRIL 5, 2021

PC :

1 Heard Mr.Kanade, learned Counsel for the petitioner.
Heard Mr.Lad, learned Counsel for the respondents No.2 and
3/MHADA.

2 Grievance of the petitioner is that she has vacated her original tenement in the year 1976 and since then is residing in a Transit camp. Mr.Kanade, learned Counsel for the petitioner has stated that co-occupants of the original building are rehoused in another building, however, it is not in dispute that the said building is unauthorised and hence, the petitioner cannot make a claim for a tenement to be allotted in such building.

3. Mr.Kanade submits that in such circumstances, awaiting allotment of the permanent alternate accommodation from the MHADA, the petitioner has made a representation in the year 2017 and also an On-line application has been made to that effect, on which no decision has been taken by MHADA.

4. Mr.Lad on instructions also states that the on-line application as made by the petitioner is pending for consideration of the MHADA. He states that decision on such application of the petitioner can be taken by the MHADA within a period of four weeks from today.

5. In view of the fair statement made by Mr.Lad, we are inclined to dispose of this writ petition by directing the MHADA to decide the petitioner's on-line application for allotment of permanent alternate premises, from amongst the premises which are available with the MHADA. Decision in that regard be taken by 3rd May 2021 without being influenced by the communication dated 6th September 2014 annexed as 'Exhibit M' to the petition. There shall not be any further extension to take such direction..

6. Writ petition is disposed of in the above terms with no order as to costs. All other contentions of the parties are expressly kept open.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)