

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1543 OF 2019

Savitribai Pandurang Birwatkar ... **Petitioner**
Versus
Maharashtra Housing and Area
Development Authority & Anr. ... **Respondents**

Mr. Amar Mishra i/b. SRM Law Associates, Advocate for the
Petitioner.

**CORAM: S.V. GANGAPURWALA &
DHIRAJ SINGH THAKUR ,JJ.**
DATED : JUNE 14, 2022

P.C.

1. We have heard the learned Counsel for the petitioner. The learned Counsel for the petitioner refers to Rule 35A of the Maharashtra Housing and Area Development (Estate Management, Sale, Transfer and Exchange of Tenements) Regulations, 1981 and submits that MHADA has to get itself satisfied that the documents placed before it are not forged documents. In the present matter, the respondent No.2 has forged the document and on forged document, the transfer has been effectuated by the MHADA. The same is against the rule. The petitioner has filed a criminal complaint against the respondent. The learned Counsel submits that the tenement deserves to be re-transferred to the petitioner.
2. The criminal complaint is filed by the petitioner. The same is under investigation.
3. Whether a particular document is forged or not would require evidence to be adduced. In writ jurisdiction it would

not be possible to embark upon the disputed question of facts in as much as giving the finding about the document being genuine or forged. The said exercise cannot be carried out in the writ jurisdiction.

4. The petitioner may take appropriate steps before the Civil Court or in the proceedings as is permissible under law. In that event, the contentions of the parties are kept open.

5. It is made clear that we have not dealt with the merits in the present writ petition.

6. The writ petition is disposed of. No costs.

(DHIRAJ SINGH THAKUR , J.) (S.V. GANGAPURWALA, J.)

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