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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2063 OF 2022

Arun Parshuram Mane **Petitioner**
VERSUS
State of Maharashtra & Ors. **Respondents**

ALONGWITH
WRIT PETITION NO. 2064 OF 2022

Gajanan Sahadev Gavde **Petitioner**
VERSUS
State of Maharashtra & Ors. **Respondents**

ALONGWITH
WRIT PETITION NO. 2065 OF 2022

Sunanda Chandrakant Ghadge **Petitioner**
VERSUS
State of Maharashtra & Ors. **Respondents**

ALONGWITH
WRIT PETITION NO. 2103 OF 2022
ALONGWITH
WRIT PETITION NO. 2117 OF 2022

Shashidhar Shetty **Petitioner**
VERSUS
State of Maharashtra & Ors. **Respondents**

ALONGWITH
WRIT PETITION NO. 2096 OF 2022

Vilas Kisan Wadkar **Petitioner**
VERSUS
State of Maharashtra & Ors. **Respondents**

ALONGWITH
WRIT PETITION NO. 1268 OF 2022

Pramod Ramchandra Gaikwad

..... Petitioner

VERSUS

State of Maharashtra & Ors.

..... Respondents

ALONGWITH

WRIT PETITION NO. 1262 OF 2022

Renold S.Soans

..... Petitioner

VERSUS

State of Maharashtra & Ors.

..... Respondents

Mr.Suhas Shivaji Deokar for the Petitioners in all writ petitions.

Mr.Himanshu Takke, A.G.P. for the Respondent State in WP/2063/2022.

Mr.Manish Upadhye, A.G.P. for the Respondent State in WP/2064/2022.

Ms.Uma Palsuledesai, A.G.P. for the Respondent State in WP/2065/2022.

Mr.S.B.Gore, A.G.P. for the Respondent State in WP/2117/2022.

Mr.Sukanta Karmakar, A.G.P. for the Respondent State in WP/2096/2022.

Ms.Sharmila Deshmukh for the Respondent nos. 2 and 3 – MHADA in all writ petitions.

No records and proceedings of WP/1268/2022 and WP/1262/2022.

CORAM: R. D. DHANUKA AND

PRITHVIRAJ K.CHAVAN, JJ.

DATE : 13th JULY, 2022

P.C:-

Writ Petition No. 1268 of 2022 and Writ Petition No. 1262 of 2022 are not on board. Upon mentioning, taken on board.

2. The arguments advanced by the learned counsel for the petitioners are concluded. It is submitted by the learned counsel for the petitioners that the action could have been initiated by the MHADA only under the provisions of section 66 of the Maharashtra Housing and Area Development Act, 1976 and not under the provisions of MRTP Act, 1966.

3. The next submission of the learned counsel for the petitioners is that the Estate Officer, Bandra (East) who has passed the impugned order has not been authorized or delegated the powers by the MHADA to pass such orders and thus the entire order is vitiated on that ground.

4. *Per contra*, Ms.Deshmukh, learned counsel for the MHADA states that since the property does not belong to MHADA and is not the premises of the Authority, the Competent Authority of MHADA is not required to exercise any power under section 66 of the MHADA Act. She submits that since the MHADA is Planning Authority insofar as

the writ structures are concerned, MHADA is entitled to exercise powers under section 53(3) of the MRTP Act and the same has been rightly exercised.

5. Insofar as the submission of the learned counsel for the petitioner that the Estate Officer is not authorized to pass any such order is concerned, learned counsel agrees to produce copy of circular empowering the Estate Officer to pass such order tomorrow. Statement is accepted.

6. Place the matter on board under the caption of directions **tomorrow.**

[PRITHVIRAJ K.CHAVAN, J.]

[R. D. DHANUKA, J.]