

Wadhwa

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2115 OF 2023

Yogesh Yashwant Kelkar	...Petitioner
<i>Versus</i>	
The State of Maharashtra & Ors	...Respondents

Ms Priyanka Naik, for the Petitioner.
Ms Sheetal Malvankar, AGP, for the Respondent-State.
Ms Sneha Prabha, i/b Siddharth Chandrashekhar, for Respondent No
2.
Mr Omkar Kulkarni, for Respondent No 4.

CORAM G.S. Patel &
Kamal Khata, JJ.
DATED: 13th March 2024

PC:-

1. There is a Reply filed by Maharashtra Housing and Area Development Authority (“MHADA”). Since this is a question of redevelopment, there is no doubt that MHADA will be supervising compliance with all its permissions granted *inter alia* under or in keeping with DCR 33(7) of the DCPR 2034. The MHADA Affidavit tells us that the No Objection Certificate (“NOC”) has been revalidated on 4th December 2023. This revalidated NOC is now valid until 26th June 2024 but subject to certain conditions. MHADA states on Affidavit that it has the right and will exercise its

authority to act if those conditions are not complied with. One of those is that redevelopment must commence within three months of the issuance of the revalidated NOC. A copy of that revalidated NOC is annexed.

2. The rest of this Petition appears to be nothing more than a thinly disguised attempt to seek specific performance of a Permanent Alternate Accommodation Agreement (“PAAA”) of 4th November 2015 but by a completely impermissible process of invoking the writ jurisdiction of this Court. If there are questions in regard to unpaid arrears of transit rent those may be taken in an appropriately brought civil proceeding. As to the question of the show cause notice of 15th December 2012, there is no question of demanding that MHADA must act on it now since MHADA clearly states that there is a revalidation of the NOC on 4th December 2023, with a validity until 26th June 2024.

3. There is no substance to the Petition. It is rejected.

(Kamal Khata, J)

(G. S. Patel, J)