

Amol

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 232 OF 2024**

Satinder Pal Singh Ahuja ...Petitioner
Versus
Maharashtra Housing and Area Development Authority ...Respondent

Mr Shobit Shukla, *i/b Ashok Pande, for the Petitioner.*
Mr Kunal Waghmare, *for the Respondent-MCGM.*
Mr Jenish Jain, *i/b Uday Warunjikar, for the Respondent-MHADA.*
Mr Shanay Shah, *with Diksha Shetty, i/b AAK Legal, for Respondents*
Nos 5 & 6.

**CORAM G.S. Patel &
 Kamal Khata, JJ.**
DATED: 14th February 2024

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PC:-

1. We do not think that there is any surviving controversy in this Petition. The Petitioner is the owner of a structure called Kalyan Bhavan at Kalbadevi. The prayer is for a direction to Maharashtra Housing and Area Development Authority (“MHADA”) and the Municipal Corporation of Greater Mumbai (“MCGM”) to have it vacated so that it can be pulled down. Respondent Nos 5 and 6 are two tenants/occupants. There may be others. Before us, there is no dispute that the building is not in the best of conditions. We are not required to enter into the controversy of whether it is a C1 category

or a C2A category building because, as Mr Shah for Respondent Nos 5 and 6 points out, propping work is being carried out and therefore major repairs are being undertaken.

2. This necessarily means that the owner must now submit the necessary applications to MHADA and follow the process prescribed in law including under recently amended Section 79A of the MHADA Act in regard to a redevelopment proposal. We have recently held in *Chandralok People Welfare Association vs State of Maharashtra*¹ that the doing nothing is not an option available to a property owner. There is a time limit within which owner must submit a redevelopment proposal. If not done, tenants or occupants have the option of reconstructing the building (not redeveloping) and adjusting those costs against future rents. This position in law the Petitioner owner will bear in mind going forward.

3. We see no purpose achieved by keeping this petition pending. It is disposed of but with liberty to both sides to adopt appropriate proceedings.

(Kamal Khata, J)

(G. S. Patel, J)

1 2023 BHC:OS 12498 : 2023 SCC OnLine Bom 2300