

Amol

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1141 OF 2024

Rajaram Khaku Hule & Ors ...Petitioners
Versus
Maharashtra Housing Area and Development ...Respondents
Authority & Ors

Mr JK Shah, with Govind Munde, i/b R J Law, for the Petitioner.
Mr Kunal Waghmare, for the Respondent-BMC.
Mr PG Lad, with Shreya Shah, for Respondents Nos 1 to 4-MHADA.

CORAM G.S. Patel &
Kamal Khata, JJ.
DATED: 20th March 2024

PC:-

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1. The Maharashtra Housing and Area Development Authority (“MHADA”) has filed an Affidavit. A copy was given to the Petitioners on the last occasion. We directed the Petitioners to consider that reply and to file a response. This comes in now in the form of a consolidated Affidavit of 19th March 2024 filed by one of the Petitioners. Paragraph 7 of the Affidavit by the Petitioners speaks of that stretch of land between the road and the existing wall of MHADA and which everyone has agreed can be allotted to the Petitioners against payment of a premium and other charges. There will be a lease agreement in regard to this land. The Petitioner

association is Petitioner No 18 on the record of MHADA. An allotment letter is to be issued to the association with details of the payment of premium and other charges. Before us, it is agreed that the lease agreement will be with the association and not with individual members. This is necessary because membership of the association may periodically change. The interest is not of individual members even in the form of an undivided interest. It is the interest of the association for and on behalf of the members of the association to hold the stalls that are in front of the strip of land. All payments will be made through association to MHADA and MHADA will for the purposes of this strip of land not recognise any individual rights (which we expressly prohibit) but will only recognise the rights of the association regarding that land.

2. Since these statements are made on Affidavits by both sides, we expect the compliance within four weeks from today. Further Affidavits are to be filed in the Registry.

3. The Petition is disposed of in these terms. Liberty to the Petitioners to apply.

(Kamal Khata, J)

(G. S. Patel, J)