

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 3743 OF 2023
WITH
INTERIM APPLICATION (L) NO. 28529 OF 2023
IN
WRIT PETITION NO. 3743 OF 2023
WITH
INTERIM APPLICATION (L) NO. 31349 OF 2023
IN
WRIT PETITION NO. 3743 OF 2023

Gyasuddin Kifayatullah Zariwala

...Petitioner

Versus

Mumbai Building Repair and Reconstruction
Board (MHADA Unit) (MBR and R, Board) by
Chief Officer & Ors

...Respondents

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Mr A Davar, *with Akash Rebello & YE Moomen, i/b Manisha B
Gawde, for the Petitioner.*

Mr PG Lad, *with Sayli Apte & Shreya Shah, for Respondents Nos 1 to
6-MHADA.*

Mr Nitin G Patil, *with Akhil Kupade, for Respondents Nos 8, 12 and
for the Applicant in IAL/31349/2023.*

Mr Tushar Bhavsar, *i/b Nosir, for Respondents Nos 13 & 14.*

Ms Rupali Adhate, *for the Respondent-MCGM.*

Mr Dhiraj Karande, *AE (Bldg) 'D' Ward, is present.*

**CORAM G.S. Patel &
 Kamal Khata, JJ.
DATED: 2nd January 2024**

PC:-

1. The challenge is to a communication of the Repair Board of 18th August 2023 at Exhibit “A” pages 66 to 67. The notice is addressed to various co-owners and seeks to call a hearing on a proposal for statutorily compelled redevelopment. That redevelopment itself is predicated on a finding apparently arrived at on an inspection carried out that very day itself, to the effect that the building or buildings in question is or are in dangerous condition.

2. There is a very serious dispute as to whether the building is or the buildings are in a dilapidated condition. It is not possible for one of several co-owners to make such an allegation and have it accepted. There is also a dispute about the claim of co-ownership.

3. The impugned notice is quashed and set aside. The Maharashtra Housing and Area Development Authority (“**MHADA**”) will give notice to the owners/all those claiming to be owners or co-owners and all occupants/tenants, calling for a hearing in regard to the structural condition of the building or buildings in question. Before the authority in question, all contentions are expressly left open.

(Kamal Khata, J)

(G. S. Patel, J)