

Ashwini

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1245 OF 2024

Rashid Abdeali Dadla ...Petitioner
Versus
Sameera Developers LLP & Ors ...Respondents

Mr Vishal Kanade, *i/b Subhash Bane, for the Petitioner.*
Mr Yadunath Chawdhary, *with Kevin P, i/b Chinmaya Acharya, for*
Respondent No. 1.
Ms Sneha Prabhu, *for Respondents Nos. 3 to 6.*
Ms Meena Dhuri, *i/b Sunil Sonawane, for Respondent No. 8-MCGM.*
Mr Vishal K, AGP, *for the Respondent-State.*

CORAM M.S. Sonak &
Kamal Khata, JJ.
DATED: 24th June 2024

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1. Heard learned Counsel for the parties.
2. Mr Chawdhary, learned Counsel for the 1st Respondent expresses certain difficulties that the owner/developer faces to commence the reconstruction/development of the building.
3. Admittedly, the Petitioner has vacated the premises in 2018. The Petitioner complains that till date neither is any transit rent paid nor any alternate accommodation is provided. The Petitioner complains that Permanent Alternate Accommodation Agreement (“PAAA”) has also not been signed till date.

4. One of the grievances in this Petition is that the Petitioner's representation dated 3rd February 2023 (Exhibit "KK") addressed to Maharashtra Housing and area Development Authority ("MHADA") urging action under Sections 79A and 91A of the MHADA Act 2020 is not being considered by MHADA.

5. As an interim measure, we direct the MHADA to consider and dispose of the Petitioner's representation dated 3rd February 2023 in accordance with law and on its own merits after hearing the Petitioner and the 1st Respondent.

6. This representation must be disposed of within four weeks from today, i.e., on or before 22nd July 2024.

7. The MHADA must place its decision in this Court on a next date, i.e., 5th August 2024.

8. In the meantime, if the 1st Respondent wishes to file a response to this Petition it may do so on or before 22nd July 2024. At this stage, learned Counsel for the 1st Respondent states that it will apply to MHADA for grant of transit accommodation to the tenants who have vacated the building.

9. Mr Chawdhary states that such application would be made within one week from today. If such application is indeed made the MHADA should endeavour to dispose of such application in accordance with law by the next date.

10. Stand over to 5th August 2024.

(Kamal Khata, J)

(M.S. Sonak, J)