

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2046 OF 2024

Savalaram Shantaram Khanolkar

...Petitioner

Versus

Maharashtra Housing & Area Development
Authority (MHADA) & Ors.

...Respondents

Mr. Siddhesh Pilankar i/by Mr. Aditya Kharkar, Advocates, for the
Petitioner.

Ms. Manisha Jagtap, Advocate for – Respondent No.1-MHADA.

Mr. R.B. Khanolkar, Advocate for Respondent No.2.

CORAM: MADHAV J. JAMDAR, J.

DATED: 14th June 2024

P. C.:

1. Heard learned Counsel for the respective parties.
2. It is the main contention of Mr. Pilankar, learned Counsel for the Petitioner that the impugned Order dated 28th October 2022 has been passed by the Vice President and Chief Executive Officer, MHADA, Mumbai without hearing the Petitioner. He submitted that the Respondent No.2 without impleading the Petitioner and behind his back has filed an Application dated 30th September 2019 (Exhibit 'H' to the Writ Petition). He submitted that in fact there is a Judgment and Decree dated 16th September 1998 in favour of the present Petitioner passed by a learned Judge, Small Causes Court at Mumbai in R.A. Declaratory Suit

No. 2816 of 1985 by which the Petitioner and his brother-Shrikrishna Shantaram Khanolkar have been declared as tenants. He points out the documents which are produced by the Respondent No.2 as set out in the impugned Order dated 28th October 2022 and states that the decree passed by the learned Small Causes Court has not been produced before the Vice President and Chief Executive Officer, MHADA, Mumbai.

3. In view of this, Mr. Khanolkar, learned Counsel for the Respondent No. 2 states that he has no objection if the impugned Order is set aside and the matter is remanded back to the Vice President and Chief Executive Officer, MHADA, Mumbai. He requests that the Vice President and Chief Executive Officer, MHADA be directed to dispose of the Application expeditiously.

4. Accordingly, by consent of the Petitioner and Respondent No. 2, the impugned Order dated 28th October 2022 passed by the Vice President and Chief Executive Officer, MHADA, Mumbai is quashed and set aside and the matter is remanded back to the Vice President and Chief Executive Office, MHADA, Mumbai. The Vice President and Chief Executive Office, MHADA, Mumbai is directed to dispose of the proceedings on or before 31st October 2024 by issuing notice to the Petitioner and Respondent No.2 of hearing and after complying with the principles of natural justice by passing reasoned Order.

5. It is clarified that this Court has not considered the merits and all contentions of all parties on merits are expressly kept open.
6. The Writ Petition is disposed of in above terms with no order as to costs.

BHALCHANDRA
GOPAL
DUSANE

[MADHAV J. JAMDAR, J.]

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