

Wadhwa

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1003 OF 2024

Jayashree Ramesh Patel

...Petitioner

Versus

CEO, Maharashtra Housing & Area Development
Authority & Ors

...Respondents

Ms Sumedha Rao, i/b Rumana Bagdade, for the Petitioner.

**Mr PG Lad, with Sayli Apte, Shreya Shah & Anjali Maskar, for the
Respondent-MHADA.**

Ms Uma Palsuledesai, AGP, for the State.

CORAM.

M.S. Sonak &

Kamal Khata, JJ

DATED.

30th September 2024

PC:-

1. Heard learned counsel for the parties.
2. At the outset, we do not approve the Petitioner not impleading the three builders who are alleged to have blocked the approach road which is the subject matter of this Petition.
3. However, since the learned counsel for the Petitioner states that the Petitioner would be satisfied if the Maharashtra Housing And Area Development Authority (MHADA) disposes of the Petitioner's application dated 2 November 2023 in a time bound manner, we propose to entertain this Petition so that hearing can be granted by MHADA to the Petitioner and the three builders.

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4. Mr Lad states that MHADA is not the appropriate authority to decide the issue of approach road etc. and the proper authority would be the Brihanmumbai Municipal Corporation (BMC). However, Ms Rao states that in the order dated 5 March 2022 by which the City Civil Court refused ad-interim relief to the Petitioner, there is a reference to the Petitioner's approaching the MHADA.

5. Without going into the issue as to whether the MHADA is the appropriate authority or not without even commenting upon the observation made by the City Civil Court, we direct MHADA to dispose of the Petitioner's application dated 2 November 2023 in accordance with law within three months from today. The MHADA should hear the Petitioner and also the three builders, i.e., Bharat Nagar Buildcon LLP, Prestige Group and Adani Realty. The Petitioner should supply the addresses and other particulars of these builders within a week from today.

6. The issue as to whether the MHADA is the appropriate authority or not is explicitly kept open. Merely because that there is an observation in the City Civil Court's order dated 5 March 2022, it cannot be urged that MHADA is the appropriate authority. It will be for the Petitioner to satisfy the MHADA that it is the appropriate authority during the course of the hearing.

7. The Petition is disposed of in the above terms without any order for costs.

(Kamal Khata, J)

(M.S. Sonak, J)