

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1385 OF 2024
WITH
INTERIM APPLICATION (L) NO. 9938 OF 2024
IN
WRIT PETITION NO. 1385 OF 2024**

Macrotech Developers Ltd

...Petitioner

Versus

The State of Maharashtra & Ors

...Respondents

SHEPHALI
SANJAY
MORMARE

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SHEPHALI SANJAY
MORMARE
Date: 2024.03.26
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Mr YE Mooman, for the Applicant in IAL/9938/2024.

**Mr Mayur Khandeparkar, with Priyal Chheda, Akshata naik &
Amogh Singh, for the Petitioner.**

Ms Shreya Shah, i/b PG Lad, for Respondent No 2-MHADA.

Mr Harjot Singh Alang, i/b Raval Shah & Co, for Respondent No 3.

**Mrs Jyoti Chavan, Addl. GP, with Varsha Sawant, AGP, for the
Respondent-State.**

**CORAM G.S. Patel &
 Kamal Khata, JJ.
DATED: 22nd March 2024**

PC:-

1. We reject the Interim Application by certain individuals. There is obviously some infighting in the membership of the 3rd Respondent, the Manaji Rajuji Chawl Rahivasi Sangh, an

unregistered association of tenants or occupants. We reject the submission that 379 members should have been individually joined. That makes a mockery of the entire process. Apart from anything else it will result in the wide spread destruction of the forests in Maharashtra in consumption of needless amounts of paper. We refuse to allow this.

2. Interim Application (L) No 9938 of 2024 is rejected.

3. The reliefs sought by the developer in the Writ Petition are simply:

“(a) That this Hon’ble Court be pleased to issue a writ of mandamus or any other writ, order or direction in the nature of mandamus and direct the Respondent No. 2 to conduct lottery with respect to the residential Rehab flat of the Respondent No.3 in a time bound manner;

(b) That this Hon’ble Court be pleased to issue a writ of mandamus or any other writ, order or direction in the nature of the mandamus and direct the Respondent No. 2 to waive the condition of procuring No-Objection Certificate with respect to the Rehab flat on the basis of provisional Possession Receipts.”

4. The Respondent is the Maharashtra Housing and Area Development Authority (“**MHADA**”). The directions sought in prayer (a) are utterly innocuous. We would be able to make Rule absolute in terms of prayer clause (a) but for the fact that Mr Khandeparkar has instructions to seek relief in terms of prayer clause (b) as well.

5. At this stage, Mr Khandeparkar states that the relief in terms of prayer clause (b) may be moulded by requiring MHADA to independently measure the room or the area of any person who does not cooperate in the process of allotment.

6. There can be no objection to the Repair Board conducting a lottery of the residential rehab flats and doing so at the earliest possible. Obviously, the immediate objective of any eligible person would be to get the residential flat at the earliest possible opportunity.

7. Accordingly, we direct MHADA to conduct the lottery in question no later than by 12th April 2024. As to the question of independent inspection by MHADA and the waiver of the condition that is required by prayer clause (b), we will consider an appropriate relief after receiving a report from MHADA about the lottery.

8. List the Writ Petition on 15th April 2024.

9. Previous orders, if any, to continue until the next date.

(Kamal Khata, J)

(G. S. Patel, J)