

Ashwini

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2167 OF 2024

Lakahani Housing Corporation Pvt Ltd ...Petitioner
Versus
State of Maharashtra & Ors ...Respondents

Mr Venkatesh Dhond, Senior Advocate, with Ferzana
Behramkamdin, Mutahhar Khan, Kalyani Deshmukh & Aashi
Sirohiwala, i/b FZB & Associates, for the Petitioner.
Ms Anupama Pawar, AGP, for the Respondent-State.
Mr PG Lad, with Shreya Shah, for the Respondent-MHADA.

CORAM G.S. Patel &
Kamal Khata, JJ.
DATED: 17th April 2024

PC:-

1. Heard.

2. The Petitioner will need to join the twenty societies at Guru Teg Bahadur Nagar (“GTB Nagar**”) as party Respondents to this proceeding. There are twenty societies named in the Petition at paragraph (b) from pages 6 to 8. There may be others but these have been identified.**

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3. The challenge in the Petition is to a Maharashtra Housing and Area Development Authority (“MHADA”) proposal for a cluster redevelopment of this very large area. The land is not publicly owned but a development is proposed under Regulation 33(9) of the Development Control and Promotion Regulations, 2034. It seems that this was the proposal of one Mehra who claims to have formed an apex or a federation society. There is some documentation *inter alia* at page 363 to indicate that the societies have not accepted this federation and have in fact said that it is entirely bogus and not authorised to represent these societies.

4. The Petitioner has private agreements with the societies or at least some of them. By the impugned Cabinet decision, Government Resolution and e-Tender, public bids are sought to be invited for this cluster redevelopment. This would have the effect of completely ejecting the Petitioner from the project. A fundamental question is whether MHADA has jurisdictional authority to begin with. We will have to consider at whose instance this cluster redevelopment was even proposed and in what circumstances.

5. Mr Lad for MHADA states that an Affidavit in Reply needs to be filed. That Affidavit in Reply is to be filed and served by 3rd May 2024.

6. In the meantime, there will have to be an ad interim injunction until the next date in terms of prayer clause (c), which reads thus:

“(c) that pending the hearing and final disposal of this Petition, Respondent Nos. 1 to 3 be restrained from proceeding with the Impugned Cabinet Decision, the Impugned GR and the Impugned e-Tender (Exhibits A to C respectively hereto) and/or taking any steps pursuant thereto.”

7. List the matter on 8th May 2024.
8. Previous orders, if any, to continue until the next date.

(Kamal Khata, J)

(G. S. Patel, J)