

Priya Soparkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 3415 OF 2024

Vijay K. Choksi and anr. ...Petitioners

Versus

The State of Maharashtra and ors. ...Respondents

Mr. Yatin R. Shah, for the Petitioners.

Mr. Mayur Khandeparkar with Mr. Amit Mehta, Mr. Hitesh Mishra and Mr. Vinayak Shukla, for the Respondent No.5.

Mr. P. G. Lad, for the MHADA.

Ms. Priyanka Sonawane i/by Mr. S. K. Sonawane, for the BMC.

Mr. Prashant Kamble, for the State.

CORAM **M.S. Sonak &
Kamal Khata, JJ.**

DATED: **30th July 2024**

PC:-

1. Heard learned counsel for the parties.
2. The Petitioners claim to be 50% owners of the building described as “White House” 13/15, Dhanji Street, Bombay.
3. The Petitioners claimed to have lodged the proposal on 20th February, 2023 with the Maharashtra Housing and Area Development Authority (“MHADA”) for reconstruction of this building which is already demolished. The Petitioners’ grievance is that the MHADA, without considering the Petitioners’ proposal dated 20th February 2023, is now

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proceeding to consider the proposal submitted by Respondents No.5 to 9 on 8th August 2023, i.e. a proposal submitted at a later point in time.

4. Mr. Mayur Khandeparkar, learned counsel for Respondent No.5, submits that the letter dated 20th February, 2023 (page 31 of the paper-book) submitted by the Petitioners cannot be called a proposal as contemplated by the law for reconstruction of a demolished building. Besides, he submits that the Petitioners are not even the owners of the land on which the building was constructed, and, therefore, they are not entitled to file such proposals or even make such applications. Finally, he submits that there is interpolation on the so-called proposal date.

5. Mr. Shah disputes the above contentions and points out that the proposal is submitted through the architect, and there is no infirmity in its submission.

6. At this stage, we cannot adjudicate Mr. Khandeparkar's objections or decide on the merits and demerits of the parties' proposals. These are matters for the MHADA to decide in accordance with law after considering all records and contentions of the parties.

7. Therefore, we direct the MHADA to consider and dispose of, in accordance with law, the proposals made by the Petitioners and Respondents No.5 to 9 expeditiously. In so

considering the two proposals, the MHADA should hear the parties and decide on the rival contentions now raised or as may be raised by the parties and pass a reasoned order.

8. The MHADA should complete the above exercise as expeditiously as possible and, in any event, within four weeks from today. By 2 September 2024, the MHADA should communicate its reasoned decision to the parties. All contentions of all the parties are kept open. If any of the parties are aggrieved, they can challenge such a decision in accordance with the law.

9. The Petition is disposed of by issuing the above directions. No costs.

10. All concerned to act on the authenticated copy of this order.

(Kamal Khata, J)

(M.S. Sonak, J)