



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

202 WRIT PETITION NO. 5236 OF 2003

Rajaram Madhav Barhate (Died) through L.Rs.

VERSUS

The State of Maharashtra And Others

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Advocate for Petitioners : Mr. A G Talhar

AGP for Respondents No.1 & 3 : Mr. P S Patil

Advocate for Respondent no.2 : Mr. A. B. Kadethankar

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CORAM : ALOK ARADHE, C.J. AND
S. G. CHAPALGAONKAR, J.

Dated : March 20, 2025

PER COURT :-

1. In this Writ Petition, the petitioner has assailed validity of section 44 of the Maharashtra Housing Area Development Act, 1976 (for short 'the Act').

2. The validity of the aforesaid provision has been decided by the Seven Judge Bench of the Supreme Court of India in case of **Property Owners Association and Others Vs. State of Maharashtra and others** reported in [2024] 11 S.C.R. 1, wherein validity of the aforesaid section 44 of the Act has been upheld.

3. In view of the aforesaid decision of the Supreme Court, Writ Petition is **dismissed**.

(S. G. CHAPALGAONKAR, J.)

(CHIEF JUSTICE)

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