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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 327 OF 2025
WITH
INTERIM APPLICATION NO. 8545 OF 2025**

Mrs. Meena Raghunath Mhatre ... Appellant/Applicant

vs.

Maharashtra Housing and Area Development ... Respondents
Authority and Anr

**WITH
APPEAL FROM ORDER NO. 330 OF 2025**

Venkatesh Shekhar Nadar ... Appellant

vs.

Maharashtra Housing and Area Development ... Respondents
Authority and Anr

Mr. Jagdish N. Jayale for Appellants.

Mr. P.G. Iad for Respondent-MHADA.

Mr. Anil Rathod, Executive Engineer, Bandra Division.

CORAM : GAURI GODSE, J.

DATED : 20th JUNE 2025

ORDER:

1. On 10th June 2025, learned counsel for MHADA was granted time to point out the supporting law for the proceedings initiated by MHADA to evict the appellants.

2. Learned counsel for MHADA fairly submits that the notice and order impugned in the suit are not supported by any procedural law. He therefore on instructions of Mr. Anil Rathod, Executive Engineer states that the notice dated 13th February 2025 and order dated 5th May 2025 be permitted to be withdrawn with liberty to initiate appropriate proceedings as permissible in law in respect of the suit structure.

3. In view of the aforesaid statement made on behalf of MHADA, nothing survives for further consideration in this appeal or the suit. The suit before the City Civil Court is filed by the appellants to challenge the said notice dated 13th February 2025 and order dated 5th May 2025. Hence, in view of the aforesaid statement, the appeal is allowed by passing the following order:

I) MHADA is permitted to withdraw the notice dated 13th February 2025 and order dated 5th May 2025 with the liberty to adopt appropriate proceedings in respect of the suit structure as permissible in law. Hence, notice dated 13th February 2025 and order dated 5th May 2025 stands quashed and set aside.

II) Suit No. 1080 of 2025 stands disposed of as infructuous.

4. The appeal is disposed of in the aforesaid terms. In view of disposal of the appeal, pending applications are disposed of as infructuous.

5. Needless to record that all the rival contentions of the parties on merits are kept open.

(GAURI GODSE, J.)