

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 3084 OF 2025

Rupesh Pundlik Pawar

... Petitioner

Versus

Maharashtra Housing and Development Authority &
Ors.

... Respondents

.....

Mr. Jaideep Singh Khattan a/w. Ms. Trisha Desai, Ms. Janhavi and Mr. Kalpesh Pise i/b The Fort Circle Advocates and Solicitors for the Petitioner.

Mr. P. G. Lad a/w. Ms. Sayali Apte for Respondent No.1.

Ms. Jyoti Chavan, Addl. GP for Respondent No.2-State.

Mr. Amardev J. Uniyal a/w. Mr. Shubham Singh for Respondent No.3.

CORAM : **G. S. KULKARNI AND**
AARTI SATHE, JJ.

DATED : **15th SEPTEMBER, 2025.**

P.C. :

1. This petition under Article 226 of the Constitution of India is filed praying for the following substantive relief: -

“(a) This Court be pleased to issue writ of certiorari or writ in the nature of certiorari or any other similar writ or order or direction, and call for the records and proceedings of Respondent no. 1, relating to the allotment of Flat no. 501, Building no. 2/A Wing under the Unnatnagar, Goregaon, Mumbai, to the Petitioner, and after examining the legality and validity of the same, quash and set aside the cancellation letter dated 23 February 2018 issued by Respondent no. 1.

(b) This Court be pleased to issue writ of mandamus or writ in the nature of mandamus or any other similar writ or order or direction, directing Respondent no. 1, to complete the process of allotment of Flat no. 501, Building no. 2/ A Wing under the Unnatnagar, Goregaon, Mumbai to the Petitioner, in a time bound manner as deemed fit by this

Hon'ble Court, by considering the Petitioner as an employee of Respondent no. 3.

(c) In the alternative to prayer clause (a) and (b) above, this Court be pleased to direct Respondent no.1 to refund the amount of INR 10,05,000/- paid by the Petitioner to Respondent no. 1, for allotment of Flat no. 501, Building no. 2/A Wing under the Unnatnagar, Goregaon, Mumbai, along with interest at the rate of 18% per annum, on the said amount, calculated from the 1 November 2018 till the realisation of the same.

(d) Pending the hearing and final disposal of the present Writ Petition, this Court be pleased to injunct Respondent no. 1, its employees, officers, personnel, workers, representatives, agents and all those connected with Respondent no. 1 from allotting Flat no. 501, Building no. 2/A Wing under the Unnatnagar, Goregaon, Mumbai to any third party or creating any right, title or interest over the same, to the prejudice of the Petitioner."

2. The petitioner made an application for allotment of a MHADA tenement in the category of the Government Employee. He was not an employee of State Government. He was an employee of Security Guards Board for Brihan Mumbai and Thane District/Respondent No.3. In securing this allotment he paid an amount of Rs.10,05,000/-. Accordingly Flat No. 501 in Building No.2/A Wing, Unnat Nagar, Goregaon, Mumbai came to be allotted to the petitioner.

3. However, it appears that, later on, the petitioner's eligibility was verified/re-considered and the petitioner was not found to be eligible for allotment of said tenement in the said category on the ground that he was not an employee of the State Government. The petitioner's allotment was accordingly cancelled. The petitioner approached the appellate authority

by filing an appeal against such cancellation of allotment.

4. We have heard learned counsel for the parties for some time on the present proceedings. Learned counsel for the petitioner has fairly submitted that the petitioner is accepting the cancellation. He submits that the petitioner then would become entitled for refund of the amount of Rs.10,05,000/- which was deposited by the petitioner for allotment of tenement in question which be refunded to the petitioner and if such amount is being refunded to him, the petition would not be pressed.

5. In our opinion, the position taken by the petitioner is fair. We are, accordingly, inclined to dispose of this petition in terms of the following order: -

(i) An amount of Rs.10,05,000/- along with interest @ 12% per annum which is stated to be as per regulation shall be refunded by the MHADA to the petitioner within a period of four weeks from today.

(ii) All contentions in regard to receipt of payment are expressly kept open.

6. The petition is disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)