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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 4353 OF 2025**

Prabodhankar Thakre Nagar Co-operative
Housing Society Union Ltd.

...Petitioner

Versus

Maharashtra Housing & Area
Development Authority & Ors.

...Respondents

Mr. Sanjiv Sawant i/b. Abhishek Deshmukh for the Petitioner.
Mr. Prashant Kamble, AGP for Respondent-State.

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

DATE: 19th November 2025

P.C.

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

“(a) That this Hon'ble Court be pleased to pass appropriate order thereby setting aside the Resolution No. 6995 dated 26th August, 2021 issued by the Respondent Nos.1 to 3 as the same is arbitrary, discriminatory, unfair, disproportionate and contrary to the public policy;

(b) That this Hon'ble Court be pleased to issue appropriate directions thereby calling for the record and proceedings pertaining to the impugned communications issued by the Respondent No.1 dated 23rd January, 2024 and after perusing the legality, validity and propriety of the same be pleased to quash and set aside the impugned communications dated 23rd January, 2024 issued by the Respondent No.1; Exhibit. "M" and "N Impugned order.

(c) This Hon'ble Court may be pleased to issue a writ of mandamus or any other appropriate directions and/or orders in the nature of mandamus directing Respondent No. 1 to consider the representation made by Petitioner in its letter dated 11th March 2024, annexed at Exhibit 'O' hereinabove, within a time-bound manner; [Exhibit "O"]

(d) That this Hon'ble Court be pleased to pass appropriate order thereby restraining the Respondent No.1 from imposing unfair ground rent premium pursuant to the Resolution No.6995 dated 26th August, 2021 issued by the Respondent Nos.1 to 3 including recovery of the alleged arrears of ground rent with interest, taxes, charges and further be pleased to quash and set aside the said Resolution No.6995 dated 26th August, 2021; [Exhibit-"H"]

(e) That pending the hearing and final disposal of this petition this Hon'ble Court be pleased to stay the impugned Resolution No. 6995 dated 26th August, 2021 issued by the Respondent No.1 and further be pleased to refrain them from taking any such other or further steps in accordance with the said Resolution No.6995 dated 26th August, 2021; [Exhibit-H"]

(f) That pending the hearing and final disposal of this petition this Hon'ble Court be pleased to stay the impugned communications issued by the Respondent No.1 dated 23rd January, 2024 to the members society of the Petitioner being Exhibit "M", Exhibit "N" to this petition; [Exhibit M and N]

(g) Interim and/or ad-interim reliefs in terms of the above prayer clauses;

(h) Costs:”

2. The only grievance of the Petitioner in the present Petition is that the representation dated 11th March 2024 made before Respondent No.1 has not been decided till date and the same is causing grave prejudice to the Petitioner. The Petitioner also intends to file certain additional documents in the office of Respondent No.1. The Petitioner can therefore file an additional representation over and above the earlier representation dated 11th March 2024 which is pending adjudication before Respondent No.1.

3. In view of the limited relief prayed by the Petitioner in the present Petition and although there being no written opposition/reply of the Respondents and considering the nature of the orders which we propose to pass, no prejudice would be caused to the Respondents. The following order would serve the ends of justice:-

ORDER

- i. Respondent No.1 to consider and decide the Petitioner's pending representation dated 11th June 2024 as also additional representation proposed to be filed by the Petitioner in accordance with law and as expeditiously as possible, preferably within a period of six weeks from the date this order is made available to the said Respondent by the Petitioner.
- ii. Let all parties be heard.
- iii. All rights and contentions of the parties are expressly kept open.
- iv. The Petition is disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)