

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 4273 OF 2026

Ramnath S. Kesari

...Petitioner

Vs.

Executive Engineer Mumbai
Housing and Area Development
Board and Anr.

...Respondents

Adv. Yash Dewal a/w Adv. Ashwin Kulkarni a/w Adv. Pradeep
Gaikwad i/by Hrishikesh Kekane - Advocate for the Petitioner

CORAM : M. S. KARNIK AND
S. M. MODAK, JJ.

DATE : 06th APRIL 2026

P. C. :-

1. Heard learned counsel for the Petitioner.
2. The Petitioner seeks the following substantial reliefs in terms of
prayer clause (a):-

- a) That this Hon'ble Court may be pleased to issue a Writ of
Mandamus or any other Writ in the nature of Mandamus
directing the Respondent No. 1 to provide all the relevant
documents sought by the Petitioner by way of Application

dated 30th March 2026 and to further grant a hearing to the Petitioner before passing any adverse orders.”

3. Considering the nature of the reliefs prayed for, it may not be possible for us to issue directions as prayed for. The learned counsel for the Petitioner invited our attention to the notice of hearing under Section 95 (A)(3) of the Maharashtra Housing and Area Development Act, 1976 dated 11.03.2026, which is on page no. 83 of the paper book. Our attention is also invited to the representation made by the Petitioner, which is on page no. 84 requesting for the information stated therein which Petitioner wants. The grievance of the Petitioner is that the hearing is proceeding without furnishing copies of the complaint and material documents.

4. We find that a request has already been made by the Petitioner to the Competent authority for the aforesaid information. It is obviously for the Competent authority to consider this aspect. The petition, as has been is premature. The Petitioner is entitled to raise objections before the concerned authority considering the application under Section 95 (A)(3) of the Maharashtra Housing and Area Development Act, 1976. The Competent authority is bound to consider the request

made in accordance with law. The Petitioner is at liberty to adopt to appropriate remedies if the information sought is not forwarded. It is obviously open for the Petitioner to challenge the said order, if the same is adverse to his interest.

5. Keeping all the contentions open, the Petition is disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)