

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

Writ Petition No. 1713 of 2025

Rajesh Shivram Kerkar

... Petitioner

V/s.

Maharashtra Housing and Area
Development Authority (MHADA)
and others

... Respondents.

Mr. Jeetendra Ranawat for the petitioner.

Mr. P.G. Lad a/w. Muralidharan Kalathil a/w. Ms. Aparna Kalathil for
respondent Nos.1 and 2.

**CORAM : M.S. KARNIK &
S.M. MODAK, JJ.**

DATE : 15th April 2026.

P.C. :

1. Heard learned counsel for the petitioner.

2. The flat to the extent of 300 sq. feet should have been allotted to the petitioner. However, the respondents want the petitioner to accept the allotment of flat admeasuring 380 sq. feet. Learned counsel for the petitioner has raised objection to such a course. It is submitted that petitioner cannot afford to pay the additional sum of Rs.16 lacs which the respondents are demanding for excess area of 80 sq. feet.

3. In such view of the matter, the petitioner be allotted the flat admeasuring 380 sq. feet. So far as the area of 80 sq. feet is concerned, the petitioner undertakes to hand over the same subject to further orders passed by this Court. We are constrained to pass this order as learned counsel for the MHADA has requested for some more time to file affidavit-in-reply. If it is found that there are premises of 300 sq. feet available as contended by learned counsel for the petitioner which the respondents are purposely not handing over to the petitioner, we may be constrained to take a serious view of the matter.

4. It would be in the interest of all concerned if the Vice President of respondent No.3 looks into grievance of the petitioner and takes an appropriate decision ensuring that premises of 300 sq. feet are allotted to the petitioner if the same is available to avoid serious consequences.

5. At the request of the learned counsel for the respondents, 3 weeks further time is granted to file the affidavit-in-reply.

6. In the meantime, if the petitioner is put in possession of 380 sq. feet premises which are allotted to him, the respondent not to insist for the payment of Rs.16 lacs. However, this arrangement shall be subject to the outcome of the present petition. We prima-facie find that the petitioner cannot be forced to pay the sum of Rs.16 lacs for the additional area of 80 sq. feet despite his specific case that he

cannot afford to pay the sum of Rs.16 lacs.

7. Meanwhile, the petitioner not to deal with the flat if the same is admeasuring 380 sq. feet if he is put in possession or create any third party rights and the same shall be vacated by the petitioner in the event the flat admeasuring the area of 300 sq. feet is allotted to him or submit to orders of this Court.

8. List the petition on **12th June 2026**.

(S.M.MODAK,J.)

(M.S.KARNIK, J.)