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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 650 OF 2024

Pantnagar Snehdeep Co-operative Housing Society
Versus
CEO Maharashtra Housing & Area Development Authority & Ors

...Petitioner
...Respondents

WITH
WRIT PETITION (L) NO. 17803 OF 2024

Madhusudan Mahadevrao Ghewde & Ors
Versus
Maharashtra Housing And Area Development Authority & Ors

...Petitioners
...Respondents

Ms Sumedha Rao, with Rumana Bagdadi, for the Petitioner in both WPs.

Ms Meena Dhuri, for the Respondent-BMC in both WPs.

Ms Nazia Shaikh, AGP for the Respondent-State in WP/650/2024.

Ms Uma Palsuledesai, AGP, for the Respondent-State in WPL/17803/2024.

Mr Amir Attari, i/b Dhurve Liladhar & Co, for Respondent No. 4 (RP).

Ms Manisha Jagtap, for the Respondent-MHADA.

CORAM M.S. Sonak &
Kamal Khata, JJ.

DATED: 28th June 2024

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PC:-

1. Heard learned counsel for the parties.
2. In Writ Petition No. 650 of 2024, the Petitioner's grievance is that the Petitioner's representation sent through their Advocate on 27th December 2023 (Exhibit H) to this Petition is not being considered by the Maharashtra Housing and Area Development Authority (MHADA). In terms of this representation, the Petitioner has pointed out that the Developer (Respondent No. 5) has virtually abandoned the project and therefore, some action has to be taken for substitution of this Developer with a new Developer.
3. Accordingly, we direct the MHADA to dispose of Petitioners representation dated 27th December 2023 as expeditiously as possible and in any case on or before 9th August 2024. The MHADA, must hear Petitioners and the 3rd Respondent and pass reasoned order. This reasoned order communicated to the parties before 9th August 2024.
4. Insofar as Writ Petition (L) No. 17803 of 2024 is concerned, the same also pertains to the very same project which is the subject matter of Writ Petition No. 650 of 2024. Here the Petitioner has made a representation dated 26th March 2024 through his Advocate complaining about non implementation of Government Resolution (GR) dated 4th March 2024 issued by the Government in the context of dealing with Developers who have abandoned the projects of redevelopment.

5. Therefore, we again direct the MHADA to consider this representation dated 26th March 2024 along with representation in Writ Petition No. 650 of 2024. Both the representations must be disposed of before 9th August 2024 as directed above. Opportunity to hearing must be granted to the Petitioner and the Developer before disposing of these representations. Reasoned order must be passed and communicated to the parties by 9th August 2024.

6. If any of the parties are aggrieved by the MHADA's decisions, they would be at liberty to challenge the same in accordance with law.

7. All contentions of all parties are explicitly kept open for consideration by the MHADA.

8. Both these Petitions are disposed of in the above terms. There should be no orders as to costs.

9. All concerned to act on an authenticated copy of this order.

(Kamal Khata, J)

(M.S. Sonak, J)



Talwalkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 650 OF 2024

Pantnagar Snehdeep Cooperative Housing Society. ...Petitioner

Versus

The Chief Executive Officer, Maharashtra Housing and Area Development Authority & Ors. ...Respondents

Ms Sumedha Rao, for the Petitioner.

Ms T.S. Tondwalkar, for the Respondent BMC.

Ms Aalisha Sharma, i/b Dhruve Liladhar & Co., for the Respondent Nos. 3 & 4.

CORAM M.S. Sonak &
Kamal Khata, JJ.
DATED: 26th June 2024

PC:-

1. The matter cannot be taken up today because MHADA though served is not present through either its representative or Counsel.
2. This is a matter where MHADA will have to take some urgent steps because the learned Counsel for the Petitioner points out that the members had vacated the premises in the year 2016 and till date, there is no progress in the redevelopment scheme.

3. List this matter on 28th June, 2024 alongwith Writ Petition (L) No. 17083 of 2024.

4. We request learned Counsel for the Petitioner to reserve the Counsel appearing for the MHADA.

(Kamal Khata, J)

(M.S. Sonak, J)

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