



Pradnya

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

INTERIM APPLICATION NO. 1656 OF 2023  
IN  
INTERIM APPLICATION NO. 4365 OF 2022  
IN  
WRIT PETITION NO. 1824 OF 2005

Mathew Anthony Pattathu ...Applicant

**In the matter between**

Ashok Vinaykumar Oza ...Petitioner

*Versus*

Competent Authority (ULC) and ors. ...Respondents

WITH  
INTERIM APPLICATION NO. 4365 OF 2022  
IN  
WRIT PETITION NO. 1824 OF 2005

Siddhi Vinayak Co.op. Hsg. Soc. Ltd. ...Applicant

**In the matter between**

Ashok Vinaykumar Oza ...Petitioner

*Versus*

Competent Authority (ULC) and ors. ...Respondents

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**Mr Vishal Kanade**, i/b. Mr Manoj Mhatre for Petitioner's  
Constituted Attorney of (Mr Joseph Pattathu) in  
WP/1824/2005 and for Respondent in IA/1656/2023.

**Ms Laxmi Jenkins**, for the Petitioner in WP/1824/2005.

**Mr Jacob Kadantot**, a/w Mr Manmohan A Amonkar, for  
Applicant in IA/1656/2023.

**Mr Milind More, Addl.G.P.**, for the Respondent-State.

**Mr Rohaan Cama**, a/w Mr Anish Karande i/b. Mr Rohit Shetty, for Respondent No.4/Society in WP/1824/2005 and for Applicant in IA/4365/2022.

**Ms Sayali Apte**, a/w Mr Paras Pawar i/b. Mr P. G. Lad, for the Respondent-MHADA.

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**CORAM    M.S. Sonak &  
                 Jitendra Jain, JJ.  
DATED:    21 November 2024**

**PC:-**

1. Heard learned counsel for the parties.
2. This Petition was originally instituted by Mr Ashok Vinaykumar Oza through his Power of Attorney holder Mr Anthony Joseph Pattathu.
3. Mr Anthony Joseph Pattathu has expired on 22 June 2019.
4. After that, quite strangely, Mr Anthony's son, Mathew and Joseph claimed to be substituted in place of Mr Anthony Pattathu and pursue this Writ Petition filed in the name of Mr Ashok Vinaykumar Oza.
5. Faced with the above predicament, we made an order on 14 October 2024 issuing notice to Mr Ashok Vinaykumar Oza to appear in this matter and explain whether he is interested in pursuing this Petition either by himself or by giving a Power of Attorney to any person.
6. Pursuant to our notice, Ms Laxmi Jenkins has appeared on behalf of Mr Ashok Vinaykumar Oza.

7. In this Petition, we cannot go into disputes between the children of Mr Anthony Pattathu, who in any case, was only the Power of Attorney holder for Mr Ashok Vinaykumar Oza. This is basically a Petition challenging the action of Respondent Nos.1, 2 and 3 i.e. the State Authorities.

8. Accordingly, at this stage, we dispose of Interim Application No.1656 of 2023 in Interim Application No.4365 of 2022 in Writ Petition No.1824 of 2005 by directing the impleadment of Smt Rosy Anthony Pattathu (widow of Mr Anthony Pattathu), and the children Mr Joseph Anthony Pattathu, Mr Mathew Anthony Pattathu, Mrs Roshny Elizabeth Pattathu and Mr Verghese Anthony Pattathu as Respondents in Writ Petition No.1824 of 2005. We clarify that hereafter, Mr Ashok Vinaykumar Oza will pursue this Petition if he so desirous either by himself or by appointing a suitable Power of Attorney. However, the disputes between the family members of the earlier Power of Attorney of Mr Anthony Pattathu will not be gone into in this Petition. The legal representatives of Mr Anthony Pattathu are therefore at liberty to take out appropriate proceedings before the Civil Court or any other forum for sorting out such disputes.

9. Necessary amendment to be carried out within four weeks from today. Mr Kanade waives service on behalf of Mr Joseph Pattathu and Mr Jacob waives service on behalf of Mr Mathew Pattathu.

10. Mr Ashok Vinaykumar Oza will have to take steps to serve the other Respondents and such steps should be taken within four weeks from today and the affidavit of service should also be filed.

11. Learned counsel state that the pleadings are complete. If this is so, place Writ Petition No.1824 of 2005 for final hearing on 21 February 2025.

(Jitendra Jain, J)

(M.S. Sonak, J)