

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

**PUBLIC INTEREST LITIGATION NO. 9 OF 2016**

Mr. Yuwaraj Sandipan Sawant ... Petitioner

V/s.

Mahalaxmi Co-op. Hsg. Society Ltd. & ors. ... Respondents

Mr. Yogesh S. Sankpal for the petitioner.

Mr.G.W.Mattos, AGP for State, respondents 2,5 and 12.

Mr. P.G. Lad a/w. Ms. Aparna Muralidharan & Ms. Sayali Apte for respondents 3 and 4 (MHADA).

Ms.Prabha U. Badadare for respondents 9 to 11.

Mr. Aakash Kothari i/b. Little & co. for respondent no.17.

Mr. Vishwajeet S. Kapse for respondents 19 and 33.

Ameya Gokhale a/w. Salonee Kulkarni i/b. Shardul Amarchand & co. for respondent no.21.

Ms. Salonee Kulkarni i/b. Ameya Gokhale for respondent no.21.

Mr.Satish Kamat i/b. Chandrakant S. Sawant for respondent no.24.

Mr.N.G.Raut i/b. P.Vas & co. for respondent no.27.

Mr.G.S.Godbole a/w. Mr.Atharva A. Dandekar for respondent no.28.

Mr.Suresh K. Mali for respondent no.31.

Mr.N.B. Patil a/w. A.N.Mulla for respondent no.38.

Mr.Telesh Dande a/w. Mr.Bharat Gadhavi & Mr.Niranjan Bhavake i/b. Telesh Dande & Associates for respondent no.39.

Mr.Dinesh Mishra i/b. Sandeep N.Karu for respondent no.40.

Ms. Padmini G. Ainapure i/b. S.K.Legal associates for respondents 41,54,68, 69.

Mr. Vijay Dighe, Adv. for Resp. No.48

Ms. Chaitali S. Jadhav i/b Mehul Shah for Resp. No.51

Ms. Astha Tahmankar i/b Bharati Aindley for Resp. No.52

Mr. Deepak Shukla a/w Ms. Swapna Samant i/b Vinod Mistry & Co. for Resp. No.53

Mr. C.N. Mehta i/b MMK Law Associates for Resp. No.62  
Ms. Prerna R. Lalchandani Adv. for Resp. No.63  
Ms. Chaitali Kandare a/w Mr. Navdeep Vora i/b Navdeep Vora & Associates for  
Resp. No.64.  
Ms. Gauri Meshta i/b LJ Law for Resp. No.66.

**CORAM : NARESH H. PATIL, C.J.  
& M.S.KARNIK, J.**

**19th November, 2018.**

**P.C.**

The affidavit-in-reply is filed on behalf of MHADA by Mr.Dilip Garje, Land Manager. The contentions are raised in paragraph-5 in respect of respondents 26,32,34,35,46,37,59 and 62. It is submitted that the lands were not allotted to these aforestated Societies on account of non-availability of plot of land.

2. In Paragraph-6 the deponent submits that out of remaining 49 Societies, 8 Societies did not commence development work which are enlisted. In Paragraph-7 the deponent mentioned names of 3 Societies where development work is in process and in Paragraph-8 it is stated that remaining 38 societies are required to surrender 10% built up

area but, however, in case of 15 Societies which are listed in Paragraph-8 there was no condition stipulated for surrendering 10% built up area.

3. The learned Counsel for MHADA to file affidavit. The learned Counsel appearing for petitioner submits that he will take instructions in respect of Societies for which the Counsel for MHADA made a statement that plots were not allotted by MHADA.

4. Mr.Godbole to submit the different Charts indicating status of the Societies. The learned Counsel for MHADA to take instructions accordingly.

5. The learned Counsel for MHADA to take instructions in respect of respondent no.33 as Counsel for respondent no.33 submits that they are ready to surrender 10% quota allotment of flats.

6. We direct the Chief Executive Officer, MHADA to call for a

meeting of the Secretary/Chairman of the Societies which according to MHADA failed to surrender 10% flats and the office bearers of respondent no.33 Society who are desirous to surrender their vacant plots out of 10% quota.

7. The meeting shall be arranged before the next date. The learned Counsel appearing for respective respondents submits that they would co-operate and attend the meeting. Stand over to **14th December, 2018.**

**M.S.KARNIK, J**

**CHIEF JUSTICE**

L.S. Panjwani, P.S.