

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO.9 OF 2016**

Yuwaraj Sandipan Sawant ... Petitioner
V/s.
Mahalaxmi Co-op Housing Society Ltd.
Earlier known as Vidhan Bhavan Suraksha
Adhikari Karmachari Hsg. Society & Ors. ... Respondents

**WITH
NOTICE OF MOTION NO.606 OF 2017
IN
PUBLIC INTEREST LITIGATION NO.9 OF 2016
WITH
NOTICE OF MOTION NO.490 OF 2017
IN
PUBLIC INTEREST LITIGATION NO.9 OF 2016
WITH
NOTICE OF MOTION NO.605 OF 2017
IN
PUBLIC INTEREST LITIGATION NO.9 OF 2016
WITH
NOTICE OF MOTION NO.426 OF 2018
IN
PUBLIC INTEREST LITIGATION NO.9 OF 2016**

Ms. Gayatri Singh, Senior Advocate a/w Mr. Makrand Kale i/by Mr. Yogesh S. Sankpal for the Petitioner/Applicant.
Mr. Balkrishna G. Tangsali for Respondent No.1.
Mr. Hemant Haryan, AGP for Respondent Nos.2 and 12.
Mr. Prakash G. Lad for Respondent Nos.3 and 4-MHADA.
Ms. Oorja Dhond i/by Mr.S.K. Sonawane for Respondent No.6-MCGM.

Mr. Yuvraj Patil a/w Mr. Mukesh Y. Dongarge for Respondent No.9.
Mr. V. S. Kapse a/w Mr. Freddy Bhaollr for Respondent Nos.19 and 33.
Mr. Ramesh Cheulkar i/by Chandrakant Chawan for Respondent No.24.
Mr. Nitin G. Raut i/by M/s. P. Vas and Company for Respondent No.27.
Mr. Atharva Dandekar i/by Ms. Ketki Gadkari for Respondent No.28.
Mr. Suresh Mali a/w V. L. Choudhari for Respondent No.31.
Mr. N. B. Patil and Mr. A. N. Malik for Respondent No.38.
Ms. Swati Sawant i/by M/s. S. K. Legal Associates LLP for Respondent Nos.41, 54, 68 and 69.
Mr. Mehul Shah for Respondent No.51.
Mr. Deepak Shukla i/by Mr. Vinnod Mistry for Respondent No.53.
Mr. Ashwin Sawlani i/by Ms. Perna Lalchandani for Respondent No.63.
Ms. Gauri Mesta i/by M/s. L. J. Law for Respondent No.66.

**CORAM : NITIN JAMDAR, ACJ. AND
ARIF S. DOCTOR, J.**

DATED : 28 JUNE 2023.

P.C. :

Heard the Learned Counsel for the parties.

2. This Petition was originally filed against Respondent No.1 Co-operative Housing Society making a grievance that there has been violation of Regulation 16 of Maharashtra Housing and Area Development (Disposal of Land) Regulation 1982.

3. The several orders have been passed from time to time. When the present Public Interest Litigation came up on 10 April 2017, the Court noted that there has been violation as regard surrendering 10% of units each constructed by MHADA and State in respect of Respondent No.1. Thereafter, 67 Co-operative Housing Societies have been joined as party Respondents. Learned Counsel for the parties seek to contend before us facts and situations in individual cases.

4. We note that in the order dated 3 February, 2017 itself this Court has opined that an independent Commission by a single man committee needs to be constituted. Now, that 67 Co-operative Housing Societies have been joined as party Respondents, more the reasons for appointing a Single Man Committee. We accordingly direct the Secretary, Housing Department to either by himself or through a Senior Officer examine the issue highlighted in this Public Interest Litigation by the Petitioner and the information placed on record by Respondent-MHADA in respect of 67 Co-operative Housing Societies as regard alleged violation of the abovementioned Regulation in respect of the flats, which were to be surrendered by Societies to the MHADA and the State and which, according to the Petitioner have not been surrendered.

5. The one member Committee as above, who shall submit a Report to this Court dealing with the case of each of the Society. It will be open to the Committee to call for information from the Respondent-MHADA and concerned Societies. After this Report is prepared, it shall be placed before the Secretary (if he is not the Committee) and after the Secretary vets, it shall be placed on record through the Office of the Government. After the Report is submitted, issuing of suitable directions can be considered.

6. Some of the Respondent-Societies have sought to urge before us that they were not required in law to surrender the flats and some have sought to argue that the compliance has been done. Respondent-MHADA has sought to argue that this condition was relaxed and substituted with requirements of payment of money in respect of some of the Societies. However, this aspect needs to be first looked into by the Committee.

7. We are of the opinion that twelve weeks' time needs to be granted for this purpose. Order accordingly.

8. Place the matter on 20 September 2023.

9. The Report will highlight irregularities, if any, in respect of each of the Society and the remedial action be indicated if the

irregularities are found. We expect that the Report will contain all the necessary particulars including the figures involved.

10. The office of the Government Pleader will forward a copy of the Public Interest Litigation along with all the Replies filed to the concerned officer.

(ARIF S. DOCTOR, J.)

(ACTING CHIEF JUSTICE)