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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2846 OF 2025
WITH
INTERIM APPLICATION (L) 36685 OF 2024

Ashok Narayan Kompelli ...Petitioner
Versus
Maharashtra Housing And Area
Development Authority(mhada) ...Respondents

Mr. Yashodeep Deshmukh a/w. Mr. Gaurav Gupta i/b. Jeetendra Ranawat,
for Petitioner.

Mr. P.G.Lad a/w. Ms. Sayali Apte, for Respondent No.3 – MHADA.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 16th September 2025

P.C.

1. The case of the Petitioner in the present proceedings is that several such allotments have taken place. One such allotment order brought to our notice is an allotment order dated 3rd December 2021, (page 167) which is without any lottery and of larger premises. Case of the Petitioner is also that the Petitioner is claiming alternate premises by giving up his claim with regard to the tenement allotted to him under the lottery, seeking allotment of a flat which is lying vacant with the MHADA for more than 5 years which is a flat bearing No.906, Savitri Niwas, described at Item No.76 in the list of vacant flats notified by the MHADA. The details of which are as follows:

76.	F/N	C.S.no.138D/10 of Matunga Divn Plot No.169D, Cess No.FN-7199(2), 7199(2A) & 7199(2B) Dadar (East), Mumbai 400014, building known as Savitri Niwas & Laxmi Niwas	9th	906	753,63	904.38
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2. We accordingly adjourn this proceedings for two weeks to enable Mr. Lad to place on record a comprehensive affidavit of the Chief Officer explaining all details of the policies which are being adopted and which were earlier adopted at the relevant time in regard to the allotment of the tenements in the pool of MHADA as surrendered by the developers under different project/schemes. This more particularly prima facie considering the fact that the Petitioner ought to have been granted allotment long time back as he is waiting for allotment since the year 1979. We are not aware as to how many such allotments are made outside the lottery system and why the Petitioner was deprived of such benefits which were granted to others. All these issues would call for consideration. Be that as it may in the event the flat is lying vacant, we also permit the Chief officer of MHADA to consider the Petitioners application on terms of conditions allot the flat No. 906 Savitri Niwas (supra) to the Petitioner.

3. However, till the appropriate decision is taken or in the event further adjudication of the Petition is required, we direct the MHADA not to create any third party rights in respect of 906 Savitri Niwas (supra) till further appropriate orders are passed on this Petition.

4. Our attention is drawn to page No. 167 of the Petition in which one Mr. Attar Hussain Shaikh, has been allotted and accommodated at Flat No. 205

admeasuring 617.62sq. ft. in the very same building. In such context, we may observe that there cannot be a different parameters to deal with the flats in the same building. All the allotments made by the MHADA in these building would also be required to be explained to the Court.

5. As already we have passed a protection to the Petitioner, the Interim Application stands disposed of.

6. Stand over to 30th September 2025.(FOB)

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)