

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 240 OF 2019

Umesh Mata Feran Shukla ... Petitioner

Versus

The State of Maharashtra and others ... Respondents

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Ms. Shweta Singh for the Petitioner.

Mr. Hemant Haryan, AGP for the State.

Mr. Cyrus Ardeshir alongwith Mr. Jas Sanghvi, Ms. Durga Prasad, Mr. Viraj Bhate instructed by PDS Legal for Respondent No.2.

Ms. Sharmila Deshmukh for Respondent No.3 – MHADA.

Mr. Yahya Ghogari for Respondent No.4.

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**CORAM : S.J. KATHAWALLA AND
SURENDRA P. TAVADE, JJ.**

**DATED : MAY 19, 2021.
(Vacation Court through video-conferencing)**

P.C. :-

1. The Chief Officer, M.B.R. & R. Board, Mumbai passed an Order dated 9th May, 2018, the relevant portion of which is reproduced hereunder :

“As per the complaint submitted by the applicant – Shri. Umesh Mata Feran Shukla, I direct NOC Holder – M/s. Kshitija Infrastructure Pvt. Ltd. to give possession of the Godown area on Ground Floor as Non-Residential tenement with an area as certified by M.B.R. & R. Board of the captioned property & pay the pending rent towards Temporary Alternate Accommodation immediately to the applicant.”

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2. The Respondent No. 2 - Developer / Builder has preferred an Appeal against the said Order. However, the same was kept pending for more than two years by the Vice President / CEO of MHADA thereby depriving the Petitioner the benefit of the Order dated 9th May, 2018. The reason for such callous attitude on the part of the Vice President/CEO of MHADA can only be explained by him.

3. In view of the above conduct of the Vice President / CEO of MHADA, the Division Bench of this Court (Coram : A.A. Sayed and S.P. Tavade, JJ.) by their Order dated 23rd March, 2021 directed the Vice President / CEO of MHADA to decide the Appeal on 25th March, 2021 or in any case not later than three weeks from 23rd March, 2021. However, the Vice President / CEO of MHADA through the Advocate representing MHADA states that though he has heard the matter on 31st March, 2021, the Order is not passed by him till date.

4. Once the Court directs an officer of a statutory authority to decide a matter within a stipulated period, the officer is required to comply with the order in its entirety or if he is unable to do so, seek extension from the Court. The officer certainly cannot be heard to say that he has heard the matter, within the stipulated period but has not passed an Order for several months thereafter and has also not sought an extension from the Court which directed him to dispose of the matter within a stipulated period.

5. On an enquiry from the Advocate for MHADA as to why the Vice

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President/CEO of MHADA has not passed an order despite specific directions of this Court, the Learned Advocate has fairly informed the Court that there is no justification for the same. Such conduct on the part of the Vice President/CEO of MHADA is strongly deprecated. Accordingly, we direct the Vice President/CEO of MHADA to pass his order and produce a copy of the same before this Court on 21st May, 2021 at 11.00 a.m., failing which we will be constrained to take stern action against the Vice President/CEO of MHADA. Stand over to 20th May, 2021 at 11.00 a.m.

(SURENDRA P. TAVADE, J.)

(S.J. KATHAWALLA, J.)