

ssp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6118 OF 2013

Anand G. Malani & Ors. ...Petitioners
vs.
CIDCO & others ...Respondents

Ms Mangal Kadam i/b Mr.H.G.Wakshe for the Petitioner
Mr.Nikunj Mehta, Ms Shalaka Mali i/b Ashok Purohit &
Co. for the applicant in CA 350/2015
Mr.Gopal Krishna Shivam Hegde for the respondent
Nos.1 and 2.

CORAM : A.S.OKA, &
V.L.ACHLIYA, JJ.
DATE : SEPTEMBER 9, 2015

P.C.:

1 Heard the learned counsel for the petitioners, the learned counsel for the respondent Nos.1 and 2 and the learned counsel for the applicants in Civil Application No.350 of 2014. The only substantive prayer made in this petition under Article 226 of the Constitution of India is for issuing a writ of mandamus enjoining the first respondent to execute an agreement of lease and to place the petitioners in vacant possession of the flats allotted to them.

2 An affidavit has been filed by Shri Vivek Marathe, the Marketing Manager of the first respondent to which a copy of the resolution dated 9th March 2015 passed by the Board of Directors of the first respondent has been annexed. By the said resolution, the first respondent has resolved that

allotment of flats cannot be made as contended by the petitioners as well as by the applicants in the Civil Application.

3 Considering the limited prayer made in this petition, if the petitioners in the Writ Petition or the applicants in the Civil Application are aggrieved by the resolution dated 9th March 2015, their remedy is to challenge the resolution passed by the Board of Directors of the first respondent.

4 By keeping open the said remedy, we dispose of the petition. All contentions on merits are kept open. Civil Application No.350 of 2014 does not survive and the same is disposed of.

(V.L.ACHLIYA,J.)

(A.S.OKA,J.)

CERTIFICATE

Certified to be true and correct copy of original
signed Judgment/Order.