

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

WRIT PETITION NO. 1531 OF 2015

Lalitha Krishna Reddy and 3 ors.

... Petitioners

vs.

The State of Maharashtra and 5 ors.

... Respondents

Mr. Naazish N. Shah a/w Mr. Kevin Gala, Advocate for the petitioner.

Mr. P. G. Lad, for respondent-2 MHADA.

Mr. R. J. Mane, Additional Government Pleader for respondent No.1.

Coram : Smt. R. P. SondurBaldota, J.

Date : 14th September, 2015.

P.C. :

1. The dispute in the present petition filed under Article 226 of the Constitution of India is about allotment of permanent alternate accommodation after reconstruction of the old building. Admittedly, the husband of petitioner No.1 and the father of petitioners No.2 to 4 had filed a suit being Regular Civil Suit No.4315 of 2006 in the Bombay City Civil Court seeking the very relief. That suit was dismissed on merit. On dismissal of the suit he had challenged the same by preferring First Appeal No.800 of 2009. During pendency of the First Appeal he expired and the petitioners have been brought on record in the appeal. By the order dated 27th August, 2010 the application for interim reliefs in the First Appeal was dismissed. But apparently at the request of the

appellant it was clarified that if the appellant made any representation for allotment the same should be considered on its own merit. Thereafter the petitioners made an application to respondent No.1 for allotment of premises in the building reconstructed. That application is rejected by the impugned order.

2. Since the claim of the petitioners is already decided in a civil suit of competent jurisdiction and since the First Appeal is pending, the present petition filed on the ground of rejection of the application for allotment, cannot be maintained. The same needs to be and is disposed off accordingly.

3. Mr. Shah then states that the petitioners will file an appropriate application in the appeal proceedings for bringing the subsequent facts on record. Needless to state that all issues raised in the petition are kept open.

[Smt. R. P. SondurBaldota, J.]

CERTIFICATE

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