

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1804 OF 2016

Ekta Housing Private Ltd. & anr. ... Petitioners.
Versus
The State of Maharashtra & ors. ... Respondents.

Ms. Anita Singhania a/w. Ms. Divyanka Kapoor and Abir P. i/b. Wadia
Ghandy & Co. , advocate for petitioners.

Mr. Ajeet Manuwam a/w. Mr. Faisal Vora, advocate for respondent
No.2.

Mr. Sachin Mohyarkar, advocate for respondent no. 4.

Ms. A.T. Javeri, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : JUNE 14, 2016

P.C.:

1 Heard the learned Counsel for the Petitioners and the learned
Counsel for the respondents. Perused the papers.

2 Rule. Rule made returnable forthwith after hearing the
concerned parties.

3 The Petitioner No. 2 herein happens to be the respondent No. 3 in Case No. 46/DV/2015. It appears from the record that the learned Magistrate has passed an order restraining the original respondent No. 1 from dispossessing the complainant from the residential premises/shared household, which is situated at Neelkamal Cooperative Housing Society, Santacruz (West), Mumbai 400054. Whereas, according to the Petitioner, pursuant to the order passed by the learned Magistrate, the project of development undertaken by the Petitioner is stalled. Hence, the Petitioner has filed an application before the learned Magistrate to direct the respondent No. 1 and the complainant with immediate effect to shift into alternative accommodation provided by the respondent Nos. 2 and 3. The application was filed on 15/1/2016.

4 The learned Counsel for the Petitioner submits that till today, the said application is not decided. In fact, there is no order passed against the respondent No. 3 i.e. the present petitioner. The

petitioner does not get locus to interfere with the order of shelter passed in the said Statute i.e. D.V. Act. Hence, it is suffice to dispose of the petition directing the learned Metropolitan Magistrate, 21st Court, Bandra, Mumbai to decide the application filed by the present petitioner within four weeks from the receipt of this order.

5 In view of this observations, the Petition stands dismissed. The complainant is at liberty to intervene and file application opposing the application filed by the Petitioners. The learned Magistrate shall consider all the applications and say filed by each of the parties on its own merits.

6 The Rule is discharged. The Writ Petition is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)