



the allotment is required to be cancelled and the possession of the office premises is required to be handed over to the Marketing Committee. As the condition of Jayesh Vora was critical without making any grievance to that communication, Jayesh Vora succumbed to their request and handed over the possession of the premises to the second Respondent on 8<sup>th</sup> September, 2016. Thereafter, Jayesh Vora expired on 5<sup>th</sup> October, 2016. The Petitioner having got knowledge of taking over of the possession of the office premises by the Committee & cancellation of the Lease Deed which was valid approx. upto year 2050, the Petitioner had filed this Petition seeking following reliefs :

- “a) Rule be issued.*
- b) That this Court may be pleased to call for the records and proceedings of in relation to letter bearing No. 622 of 2016 dated 6<sup>th</sup> September, 2016 and after examining the legality, validity and propriety thereof, be pleased to quash and set aside the impugned letter/communication dated 6<sup>th</sup> September, 2016 being Exhibit “G” and Exhibit “G-1”.*
- c) That this Court be declare the action of the Respondents of taking over possession of subject office premises viz. Premises admeasuring approximately 505 sq.ft. bearing office No. F-1, at Vyapar Bhavan, Market-2, Development Phase-2, Navi Mumbai on 8<sup>th</sup> September, 2016 was illegal.*
- d) That this Court may be pleased to issue a writ of mandamus directing the Respondents to restore possession premises admeasuring approximately 505 sq.ft. bearing office No. F-1, at Vyapar Bhavan, Market-2, Development Phase-2, Navi Mumbai, to the Petitioner.*
- e) Pending the hearing and final disposal of the present Petition, the Respondents be restrained from alienating, selling, encumbering, auctioning and/or creating any third party rights*

*of whatsoever nature including by way of leave and licence agreement in respect of premises admeasuring 505 sq.ft. bearing office No. F-1, at Vyapar Bhavan, Market-2, Development Phase-2, Navi Mumbai.*

*f) Pending the hearing and final disposal of the present Petition, the Respondents be directed to hand over possession of premises admeasuring 505 sq.ft. bearing office No. F-1, at Vyapar Bhavan, Market-2, Development Phase-2, Navi Mumbai, to the Petitioner.*

*g) Interim reliefs in terms of prayer clauses (e) and (f) above.”*

3. The learned counsel for the Respondents on instruction has stated that the Petition had been signed by one Bhavesh Gangar on behalf of Petitioner No. 3 who is the signatory of the receipt regarding giving of possession by Jayesh Vora.

4. Learned counsel for the Petitioner has prayed that this Petition may be disposed of by directing Respondent No. 2 to consider the Petitioners' grievance sympathetically and take decision in regard to the restoration of the possession to them being legal heirs of the allottee as also for allotment of the office premises in question to the Petitioners. On instruction the learned counsel for Respondents submit that appropriate opportunity of hearing will be given by Respondent No. 2 to Petitioners & decision shall be taken in accordance with law.

5. Having considered the aforesaid submissions, we dispose of this Petition by directing Respondent No. 2 to consider the Petitioner's grievance after giving fresh look to the matter and to pass a reasoned order taking into consideration the entire facts and circumstances sympathetically keeping in view the fact that deceased Jayesh Vora was suffering from illness of Cancer.

6. Let the decision as aforesaid be taken by Respondent No. 2 as expeditiously as possible, preferably within two months from the date of appearance of the authorized representative of the Petitioners before the Committee. Authorized representative of the Petitioners to appear before the Respondent No. 2 on 10<sup>th</sup> November, 2016 at 3.00 p.m. The authorized representative of the Petitioners is free to file written submission in addition to oral submission before the authority.

7. We also record the statement made by the learned counsel for the Respondents that in case the decision adverse to the interest of the Petitioners will be taken, the same shall not be given effect to during the pendency of the matter before Respondent No. 2 and for a period of two weeks thereafter.

8. With the aforesaid direction, the Petition stands disposed of.

(MAKARAND KARNIK, J.)

(SHANTANU KEMKAR, J.)