

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2016 OF 2015

Office Notes, Office
memorandum of Coram,
appearances, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Shri V.P. Patankar for the Petitioners.

Mrs. Shobha Ajitkumar for the Respondent Nos.1 and 2.

Ms. Savita T. Suryawanshi for the Respondent Nos.2, 3A and 3B.

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CORAM : A.S. OKA & C.V. BHADANG, JJ
DATED : 6TH JANUARY 2016

P.C.:

. Heard the learned counsel appearing for the Petitioners. The Petitioners are claiming to be the co-owners of the property subject matter of this Petition. The Petitioners entered into a development agreement with the Third Respondent by which the Third Respondent was permitted to develop the property. Notice of termination of the development agreement was issued by the Petitioners on 15th May 2013. Based on the termination of the development agreement, the Petitioners have already instituted a suit which is pending in this Court.

2. By this Petition, the Petitioners are objecting to the construction activities undertaken by the Third Respondent. It is alleged that the Third Respondent without intimation to the Petitioners have amalgamated the Petitioners' property with the two adjacent properties and got the plan sanctioned.

3. The Third Respondent has acted as an agent of the Petitioners as the Petitioners had appointed the Third Respondent as a Developer. Therefore, the Petitioners are not entitled to challenge the permission granted by the Municipal Corporation. If the contention of the Petitioners is that in view of the termination of the development agreement, the Third Respondent cannot proceed with the development, it will be for the Petitioners to seek appropriate reliefs from the appropriate Civil Court.

4. Hence, we decline to entertain this Petition by granting liberty to seek appropriate reliefs from the Civil Court. Accordingly, the Writ Petition is rejected.

(C.V. BHADANG, J)

(A.S.OKA, J)