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

WRIT PETITION (L) NO.3053 OF 2016

Hakikulla Mohd. Umar and Ors.

... Petitioners

Versus

Deputy Collector (E/R) and Competent
Authority – Bandra and Ors.

... Respondents

Mr. Shivraj Kunchge for the Petitioners.

Mr. Mohhit Jadhav, AGP for the Respondent Nos.1 to 3.

Mr. Anoop Patil for the Respondent No.4 – SRA.

Mr. Karl Tamboli a/w Mr. Mahesh Mishra i/by Mr. Ravi Thankaian for
the Respondent No.5.

**CORAM : A.S. OKA &
ANUJA PRABHUDESSAI, JJ.**

DATE : 7th DECEMBER, 2016

PC.

1 Heard the learned counsel appearing for the Petitioners, the learned AGP for the first to third Respondents and the learned counsel appearing for the fifth Respondent. Even going by the case of the Petitioners, in Writ Petition (L) No.1716 of 2016, 1720 of 2016 and 1723 of 2016 wherein the challenge was to the order of eviction passed against the Petitioners by the Additional Collector, the orders of eviction have not been interfered with. By order dated 29th August, 2016, the learned Single Judge has disposed of aforesaid Writ Petitions by recording statement of Respondent No.5 in paragraph 6 thereof.

2 It is not in dispute that individual agreements for grant of allotment of permanent accommodation have been executed by and between the Petitioners, fifth Respondent and New Kalina SRA Co-operative Housing Society. The learned counsel appearing for the fifth Respondent on instructions states that the agreements will be lodged with the SRA and after photo identify is issued to each of the Petitioners by the SRA, the fifth Respondent will register the agreements in accordance with Indian Registration Act, 1908. We accept the statement. Needless to add that the fifth Respondent will be under an obligation to register the agreements within the time specified in the Indian Registration Act, 1908. The learned counsel appearing for the fifth Respondent states that inspection of IOA and sanctioned plan will be provided to the Advocate for the Petitioners by 8th December, 2016.

3 At this stage, the learned counsel appearing for the Petitioners makes a grievance about certain clauses in the separate temporary alternate accommodation agreements executed by fifth Respondent. As the Petitioners have already executed the agreements without any protest, the said grievance cannot be entertained.

4 Hence, by accepting the aforesaid statements of the fifth Respondent, we dispose of the Petition, as no relief can be granted to the Petitioners in the light of the order dated 29th August, 2016 and

subsequent agreements executed by them. The learned AGP has tendered across the Bar a copy of the Eligible Tenants' Report signed by the Deputy Collector of (Encroachment). The same is taken on record and marked 'X-1' for identification. At this stage, the learned counsel appearing for the Petitioners states that the Petitioners will vacate their respective premises within a period of two weeks from today. We accept the said statement. The learned counsel appearing for the fifth Respondent states that the fifth Respondent has no objection for granting time of two weeks to the Petitioners.

5 We make it clear that for a period of two weeks from today, the notice/order dated 7th November, 2016 shall not be implemented. On the failure of the Petitioners or any of them to vacate within a period of two weeks from today, the Authorities are free to implement the notice/order dated 7th November, 2016 (Exhibit-A) to the Petition.

(ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)