

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2095 OF 2016**

Sharad Sakpal & Anr

..Petitioners

Vs.

The State of Maharashtra & Ors

..Respondents

**Dr. Nilesh Pawaskar a/w Ms Geetanjali U Shinde for the Petitioners
Mr. K. R. Trivedi AGP for the Respondent No.1
Mr. V. P. Sawant i/b Mr. Prabhakar Jadhav for the Respondent No.2
Mr. N. V. Bhutekar for the Respondent No.4**

CORAM :R. M. SAVANT, &

SMT. SADHANA S JADHAV, JJ

DATE : 4th JULY, 2017

PC.

1 There is no dispute about the fact that the Petitioners have been allotted a permanent alternate accommodation of which the Petitioners are now in possession. The Petitioners seek to make a grievance that the Respondent No.4 developer who has implemented the scheme under Section 33(7) of the Development Control Regulations, has deprived the Petitioners of the permanent alternate accommodation for more than a year and therefore the Petitioners are required to be compensated.

2 Upon this the Learned Counsel appearing for the Respondent No.4 states that the Petitioners continued to occupy the temporary transit accommodation for which the Respondent No.4 had to spend money by way of rent.

3 In our view, no relief can be granted to the Petitioners in the above Petition, if the Petitioners are claiming compensation for the alleged delay in handing over possession of the permanent alternate accommodation. The Writ Petition is accordingly dismissed.

4 However, it would be open for the Petitioners to adopt such proceedings as are available in law for the relief of compensation that the Petitioners claim. Needless to state that any such proceedings would be tried on their own merits and in accordance with law.

[SMT SADHANA JADHAV, J]

[R.M.SAVANT, J]