

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

WRIT PETITION NO. 371 OF 2015

Vikrant Shivkumar Agarwal

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. V.S. Kapse, a/w Mr. Pramod Gokul Kathane, for the
Petitioner.

Mr. Tejas V. Dhotre, i/by Mr. H.S. Venegaonkar, Addl.GP, for
Respondents No. 1 & 3-State.

Ms. Kiran Bhagalia, i/by Ms. Chitra Phadke, for Respondent No.
2-MMRDA.

CORAM : B.R. GAVAI AND
RIYAZ I. CHAGLA, JJ.

DATE : 20 June 2017

ORDER :

1. The Petitioner claims to be a legal heir of the

deceased Kaliram and claims that as a legal heir of deceased Kaliram, he is entitled to rehabilitation on account of his commercial premises being affected by eastern freeway and is entitled to rehabilitation as a project affected person.

2. Ms. Bhagalia, the learned Counsel for the Respondent No. 2, submits that apart from the Petitioner, there are other legal heirs and as such unless the claim of all the legal heirs is settled, this Court cannot direct the Petitioner to be allotted the premises to which the deceased Kaliram is entitled.

3. Shri. Kapase, the learned Counsel for the Petitioner submits that the other legal heirs have given Affidavits in Support of the Petition. However, we can go into the aspect as to who is entitled to succeed deceased Kaliram. The Petitioner will have to take out appropriate proceedings in accordance with law for that purpose.

4. Needless to state that after determination of

succession to the estate of the deceased Kaliram, Respondent No. 2 would allot the premises to which deceased Kaliram was entitled in law.

[RIYAZ I. CHAGLA, J.]

[B.R. GAVAI, J.]