

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 3358 OF 2017

Prakash Shripal Patil

...Petitioner

Versus

Maharashtra Housing & Area Development ...Respondents
Authority & Ors

Mr Ashish Kamat, *with Kunal Mehta, i/b Federal & Rashmikan, for the Petitioner.*

Mr VP Sawant, *for Respondents Nos. 1 to 3 - MHADA.*

Mr H Haryan, *AGP for Respondent No. 4- State.*

Mr DB Zaveri, *for Respondent No. 5.*

Mr Vishal Kanade, *with Pradeep Dubey, i/b MSR & Associates, for Respondent No. 6.*

Mr Dinesh Deoram Mahajan, *Ex-Engineer/D-3 Ward, R&R Board.*

Mr DS Pawar, *Law Officer of MHADA, is present.*

CORAM: G.S. PATEL, J

DATED: 5th December 2017

PC:-

1. It appears that the only reason that the Petitioner's name is not recorded as a tenant is that the original records have not been updated and an appropriate order has not been passed. So far the only claimants to room No. A/38 of CS No. 654 of the Malabar and Cumbala Hill Division, 278, Tardeo Road, Opposite Bhatia Hospital, Tardeo, Mumbai 400 007 are Smt Bharati Koregave and the Petitioner, her brother Prakash Shripal Patil. There is also no

dispute that Bharati Koregave has disclaimed all right, title and interest in this property in favour of the Petitioner. There is no other claim.

2. It goes without saying that in order to protect the authorities the Petitioner must, if not already done, submit the necessary indemnities and undertakings. Subject to this there can be no difficulty in accepting the Petitioner as the recorded tenant on the record of Respondent No. 1 of this particular property. Necessary steps will be taken for recording the change of this tenancy, and the 1st Respondent will act on an authenticated copy of this order.

3. It is clarified that while the process of recording the change in tenancy may take a few days, that should not impede the Petitioner from moving to the new premises and taking possession. Mr Sawant states that those premises are in fact ready for occupation. Possession will be delivered to the Petitioner within two weeks and the Petitioner will vacate the existing premises within that time.

4. Mr Kanade for Respondent No. 6 society makes a request that a similar indemnity and undertaking be given to the society for its protection. The request is reasonable. Mr Kamat submits that these will be submitted within two weeks from today. An identical indemnity and undertaking will also be given to the Respondent No. 5 – developer.

5. It is clear that the indemnity is only in respect of any claims that might be made by Ms Bharati Koregave simply because there is no other person who has ever laid claim to this tenancy.
6. In view of this, the Section 95-A notice does not survive.
7. The writ petition is disposed of with these directions. There will be no order as to costs.
8. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J)