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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO. 7107 OF 2018

Smt. Bhanumati Madhu Dhodia (since deceased)
through her son Kapil Madhu Dhodia ...Petitioner

V/s.

Deputy Collector, SRA & Ors. ...Respondents

Mr. Abhishek L. Tripathi for Petitioner.
Mr. Madhur Surana for Respondent No.5.
Mr. S.D. Rayrikar, AGP for State/Respondent Nos.2 to 4.

CORAM : R.D. DHANUKA, J.
DATE : 14TH MARCH, 2018.

P.C. :-

1. The learned counsel for respondent no.5 tenders a compilation of documents today in Court, which shows that the mother of the petitioner has been allotted flat no. 205 in lieu of structure no. 63 reflected in Annexure-2 in the name of the mother of the petitioner. Admittedly, the petitioner claims through his mother i.e. Smt. Bhanumati Madhu Dhodia.

2. The learned counsel states that he is ready and willing to hand over the keys of the vacant possession of the said flat no. 205 to the petitioner. The learned counsel for respondent no.5 hands over the keys of the said flat no. 205 to the learned counsel for the petitioner in Court today. The petitioner is free to occupy flat no. 205 and shall

vacate the existing structure in possession of the petitioner within one week from today without fail to respondent no.5. During this period, the petitioner shall not create any third party rights in respect of the structure in possession of the petitioner or in respect of flat no. 205.

3. The learned counsel for respondent no.5 has also handed over the possession letter of flat no. 205 and also the agreement of permanent alternate accommodation in Court to the learned counsel for the petitioner.

4. If the possession is not handed over by the petitioner of the structure in possession of the petitioner, in lieu of flat no. 205 allotted to the petitioner, the Court Receiver shall stand appointed in respect of this flat no. 205 with a power to dispossess the petitioner and other occupants found in flat no. 205 with assistance of police and the vacant possession thereof shall be handed over to respondent no.5. The parties as well as concerned police station to act on the authenticated copy of this order. Writ petition is disposed of in the aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)