

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.257 OF 2018

Mr.Rahul Walia for the Petitioners
Mr.J. Reis, Senior Counsel a/w Ms K.H. Mastakar and
Ms Vandana Mahadik for the respondent-MMC
Dr.Birendra Saraf a/w Mr.Rohan Sawant i/b Ms Usha
Vishwanathan for respondent No.5
Mr.Girish Godbole a/w Mr.A.R.Mishra and Ms Priyanka
Lokhande i/b Mr.A.R.Mishra for respondent No.6

2 He states that as the petitioner No.14 is
claiming to be a legal representative of the
original allottee, within a period of two weeks from
today, provisional allotment letter will be issued

to him and he will be placed in possession of the allotted flat subject to condition of the said petitioner producing heirship certificate. He states that after production of heirship certificate, the provisional allotment will be converted into permanent allotment. The learned senior counsel on instructions further states that the provisional letters of allotment will be issued to the petitioner Nos.1, 2, 5, 6, 10, 11, 16 and 18 within a period of two weeks from today. He states that the provisional allotments will be issued as the said petitioners are the sub-tenants and they cannot be allotted permanent accommodation unless the sub-tenancies are regularised. He states that the provisional letters of allotment will be issued to the said petitioners and they will be placed in possession subject to condition of the petitioners producing requisite documents within a period of four weeks from the date of provisional allotment to enable the Mumbai Municipal Corporation to consider their cases for regularization. The Mumbai Municipal Corporation will communicate the nature of documents required for considering the claim for regularization. We accept the aforesaid statements made on instructions.

3 There is an affidavit filed by Shri Ali Murtuza on behalf of the respondent No.5 (M/s.Heet Builders Private Limited). We accept the statements made in paragraph 4 of the said affidavit as regards availability of temporary parking. He has filed another affidavit today. We accept the statements

made in paragraphs 2 and 3 of the said affidavit dated 31st January 2018 as undertakings on behalf of the respondent No.5.

4 As regards the grievance in respect of the Occupation Certificate, the same does not survive in the light of observations made in paragraph 2 of the order dated 20th January 2018. In view of the aforesaid statements made by the Mumbai Municipal Corporation as well as the respondent No.5 and in the light of the undertakings of the respondent No.5, it is not necessary to entertain this petition and interfere with the order dated 20th January 2018. It is obvious that the petitioners will not be evicted till the date of service of letters of allotment (permanent or provisional), as the case may be).

5 Subject to what is observed above and subject to acceptance of the statements and undertakings, writ petition is disposed of.

(P.N.DESHMUKH,J.)

(A.S.OKA,J.)