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

WRIT PETITION (L) NO.3461 OF 2018

Sandhya Pravin Fagnia
Through her constituted Attorney
Priyank Pravin Fagnia ..Petitioner

Versus

The Chief Officer, M.B.R. Board,
MHADA and Others ..Respondents

Mr. Nilesh Gala I/b M/s. Law Square for the Petitioner.

Mr. Prabhakar Jadhav I/b Mr. V.P. Sawant for Respondent Nos. 1 and 4.

Mr. Mayur Khandeparkar alongwith Mr. Vikram Grewal I/b Ms. Jacinta D'Silva for Respondent No.2.

Mr. G.S. Hegde alongwith Mr. S.C. Singh for Respondent No.3.

Ms. Trupti Puranik for Respondent No.5-MCGM.

Mr. Juned Alam Khan, partner of Respondent No.3, present.

**CORAM: B. R. GAVAI &
M. S. KARNIK, JJ.**

DATE: 9th OCTOBER, 2018

P.C.:-

1] After arguing the matter at some length, when learned Counsel for Respondent-Society and Respondent-Developer made a categorical statement that Petitioner would be provided more area than one which is presently in his occupation and out of the said area 70% would be on the ground floor and remaining 30% would be on the

first floor with internal staircase and that the Petitioner would be paid monthly compensation of Rs 40,000/- as is being paid to the other similarly situated members, learned Counsel for the Petitioner seeks liberty to withdraw the Petition.

2] We therefore record the statement on behalf of Respondent Nos. 2 and 3 that the Petitioner would be given 412 sq.ft. area in the reconstructed premises in lieu of his existing area of 340 sq.ft. and that the 70% of the area would be on the ground floor and 30% of the area would be on the first floor with internal staircase and further that the Petitioner would be provided monthly compensation of Rs 40,000/- till completion of the project.

3] Learned Counsel for the Developer, on instructions, further states that on Petitioner approaching the Developer, the registered agreement would be executed within a period of one week. The said statement is treated as an undertaking to this Court.

4] In the facts and circumstances of the case, we direct

Respondent/MHADA not to forcibly evict the Petitioner for a period of two weeks from today.

5] Petition is accordingly disposed of as withdrawn in the aforesaid terms.

(M. S. KARNIK, J.)

(B. R. GAVAI, J.)