

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
Writ Petition No.1576/2016

Kakku Ramlakhan Mali Petitioner
Vs.
State of Maharashtra & Ors. Respondents

None for the Petitioner
Mr. S. B. Kalel, AGP for the State
Ms. Nikita Talwani for Respondent No.6.

**CORAM: K.K.TATED &
SARANG V. KOTWAL,JJ.**
DATED : NOVEMBER 21, 2019

P.C.

1 None for the Petitioner.

2 The learned AGP submits that this court by order dated 16.11.2016 in Civil Application NO.601/2016 had directed the Petitioner to add Rajnarayan C. Yadav as Respondent in the present Writ Petition. He submits that in spite of the said order, the Petitioner has failed to carry out the amendment.

3 The learned counsel for Respondent No.6 submits that in the present proceeding the issue is about allotment of Flat No.606, 15/A, Sangarsh CHS Ltd, Sakinaka Chandivali, Andheri (E), Mumbai - 400072. She submits that the issue of allotment has already been decided by this court in Contempt Petition No.52/2017 in Writ Petition No.385/2015. She submits that this court, by order dated 30.07.2018 in the Contempt Petition directed the Petitioner herein to vacate and handover the possession of Flat No.606 to

Basavraj
G. Patil

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Basavraj G. Patil
Date: 2019.11.26
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Respondent No.6 i.e. Rajnarayan C. Yadav. She relies on para 10 of the order dated 30.07.2013 which reads thus:

“10. In the light of the above, we direct the Respondent Nos.2(a) and 2(b) to vacate the said flat being flat No.606, 15 A, Sangarsh Coop. Hsg. Soc. Ltd., Sakinaka, Chandivli, Sangarsh Nagar, Andheri (East), Mumbai and give possession thereof to the Petitioner before Monday 6th August 2018.

(ii) In the event the Respondent nos.2(a) and 2(b) do not vacate the said flat, we direct the Senior Inspector of Police, Saki Naka Police Station, Mumbai, within whose jurisdiction the said flat is situated, to evict the Respondent Nos.2(a) and 2(b) and their family members/agents from the said flat and put the Petitioner in possession of the said flat.

Mr. Mattos, the learned Counsel for the Petitioner is directed to provide copy of this order to the Senior Inspector of Police, Saki Naka Police Station.

Matter be placed high on board on 7th August 2018.

All concerned to act on an authenticated copy of this order.”

4 The learned counsel for Respondent No.6 further submits that as per order dated 30.07.2018 Respondent No.6 received possession of the said flat. Hence, nothing survives in the Writ Petition.

5 As none appeared for the Petitioner, the Writ Petition stands dismissed as non prosecution.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)