

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

WRIT PETITION (L) NO.317 OF 2018

Prabha Atmaram Anande and Ors. ...Petitioners

vs.

The State of Maharashtra and Ors. ...Respondents

Mr.Omar K. Shaikh for the Petitioners.

Mr.Kunal Bhang, AGP for the Respondent-State.

Ms. Manisha Jagtap for Respondent No.2.

Mr.Sagar Patil for MCGM.

Ms. Ayushi Anandpara a/w Mr.Chirag Gandhi i/b Ms. Karishma Jain for Respondent No.4.

**CORAM : B. P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.
DATE : 09/01/2019.**

P.C.:

. Only prayer pressed into service by the petitioners, who are dispossessed is to expedite action by respondent No.2 on their request to substitute the developer.

2. Learned counsel appearing for Respondent No.2 submits that on 2/11/2016 respondent No.2 has already moved proposal before State Government in this respect and that proposal is still pending. Copy of that proposal is made available to us. As no objection is given by the petitioners, the same is taken on record at Exhibit 'X'.

3. Learned AGP appearing for respondent No.1 upon instructions states that no specific proposal as contended is received by State Government. Accordingly to him Respondent No.2 has sought guidance on policy about large number of such tenants who are left in lurch because the

projects could not be completed. He therefore submits that State Government is requested to float a general policy to protect interest of such tenants.

4. Petitioners have admittedly moved Respondent No.2 for substituting of developer. They are also seeking expeditious completion of the project.

5. In this situation, we find that the interest of justice can be met with by directing respondent Nos.1 and 2 to promptly look into their grievance and take suitable decision accordingly as per law. If necessary, opportunity of hearing be extended to Respondent No.4 (present developer). If respondent No.2 has not already forwarded the proposal for substitution of builder and for completion of project, we permit respondent No.2 to do so within a period of three weeks from today. If such proposal is received, Respondent No.1 shall take suitable decision within a period of 3 months from the date of receipt of such proposal. If such proposal is already received within 3 months from the date of communication of this order, respondent No.1 shall take suitable decision on grievance of petitioners as per law.

6. With these directions and keeping all contentions of the petitioners open, we dispose of the writ petition.

(REVATI MOHITE DERE, J.)

(B. P. DHARMADHIKARI, J.)