

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

WRIT PETITION (L) NO.1149 OF 2019

Noorjahan Shahbuddin Shaikh

And Another

... Petitioners

Versus

State of Maharashtra

And Others

... Respondents

.....

Ms. Vidhya N. Shet i/b Vaid Associates for the Petitioners.

Mr. Amit Shastri, AGP for Respondent No.1.

Mr. Virag Tulzapurkar, Senior Advocate a/w Ms. Sowmya Srikrishna and
Mr. Shlok Bolar i/b Wadia Ghandy and Co. for Respondent No.3.

Mr. Juzer Latif, Authorised Representative of Respondent No.3 present in
person.

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CORAM : S.C. GUPTE, J.

DATE : 15 APRIL 2019

P. C. :

. Heard learned Counsel for the parties.

2 This petition challenges an order passed by the Executive Engineer, M.B.R.& R. Board of MHADA, under Section 95A of MHADA Act, 1976. The controversy concerns a commercial tenement occupied by the Petitioners in a building known as 'Abid Sana Manzil' at C.S. No.4291, Khara Tank Road, Bhendi Bazar, Mumbai-400 003. This building is under a Cluster Redevelopment Scheme sanctioned by the State Government under D.C.R. 33(9). This Redevelopment Scheme is being undertaken by Respondent No.3 trust. The grievance of the Petitioners is that the impugned order is under Section 95A, without any commitment on the part

of Respondent No.3 trust for allotment of a permanent alternative accommodation to the Petitioners. Mr. Tulzapurkar, learned Senior Counsel appearing for Respondent No.3 trust, on instructions from an authorized representative of his client, who is present in Court, undertakes to the Court that within two months of issuance of an IoD for the subject cluster, namely, Cluster No.6A, which would house a redeveloped building in place of Abid Sana Manzil, a suitable permanent alternative accommodation agreement would be entered into with the Petitioners. Learned Counsel states that permanent alternative accommodation, to be allotted to the Petitioners, shall be in accordance with the scheme sanctioned by the State Government under D.C.R. 33(9). It is not in dispute that Respondent No.3 trust has offered a competent transit rent to the Petitioners, pending the allotment and possession of permanent alternative accommodation. Accordingly, the writ petition is disposed of after recording and accepting the undertaking of Respondent No.3 trust as noted above.

(S.C. GUPTE, J.)