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

WRIT PETITION (LODGING) NO.1171 OF 2019

Smt.Mumtaz Jamal Ali Siddi & Anr. V/s. The Chief Officer, Slum Rehabilitation Authority & Ors.	...Petitioners ...Respondents
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Mr.Sanjeev Sawant with Mr.Samir M. Suryawanshi for the
Petitioners.

Ms.Ruchi Bist I/b M/s.Ashok Purohit & Co. for the Respondent No.1.

Mr.Pradip R. Kadam for the Respondent No.2.

Mr.Manish Upadhye, A.G.P. for the State – Respondent No.4.

CORAM : R.D. DHANUKA, J.
DATE : 2ND AUGUST, 2019.

P.C. :-

1. Mr.Sawant, learned counsel appearing for the petitioners invited my attention to the allotment letter dated 5th May, 2017 and more particularly the names mentioned at serial nos.5 to 8 therein which allotment is issued by the developer – Bharat Mahan Developers & Builders allotting flats of areas admeasuring 1086 sq. ft. out of 3989 sq. ft. mentioned at page no.265 of the said letter. It is submitted that Salim Jamal Ali Siddi and Shabana Jamal Ali Siddi, who were son and daughter of Mumtaj Jamal Ali Siddi have expired.

2. Learned counsel appearing for the developer (respondent no.2) on the other hand on instructions states that insofar as Mumtaj Jamal Ali Siddi and Rukhsana Jamal Ali Siddi are concerned, they would be entitled to total area of 373.39 sq. ft. He submits that in accordance with the said letter of allotment Salim Jamal Ali Siddi and Shabana Jamal Ali Siddi would be entitled to a flat admeasuring 712.83 sq. ft. area. He further states that since both these persons have expired, the developer will hand over the vacant possession of the flat having the aforesaid area only if the heirship certificate of both the parties is produced by the petitioners herein. He states that if any such legal heirship certificate is produced by the petitioner in respect of Salim Jamal Ali Siddi and Shabana Jamal Ali Siddi, the said flat admeasuring 712.83 sq. ft. would be allotted to the petitioners. Statement made by the learned counsel for the developer on instructions is accepted.

3. In view of the aforesaid statement, the petitioners are ready and willing to accept the possession of flat admeasuring 373.39 sq. ft. from the developer subject to their right to receive an additional area on behalf of Salim Jamal Ali Siddi and Shabana Jamal Ali Siddi if the the petitioners are declared as the legal heirs of those two persons. The learned counsel for the developer states that the possession would be handed over to the petitioners within two

weeks from today for the fit out purpose. Learned counsel further undertakes to apply for partial occupation certificate in respect of this flat at the earliest and inform the petitioners about such partial occupation certificate upon obtaining it from the S.R.A. Statement made by the learned counsel for the developer is accepted.. Learned counsel for the developer states that his client would preserve a flat admeasuring about 712.83 sq. ft. and if any legal heirship certificate is obtained by the petitioners in respect of Salim Jamal Ali Siddi and Shabana Jamal Ali Siddi, the said flat would be allotted to the legal heirs of those two persons.

4. The writ petition is disposed of on aforesaid terms. The parties would be at liberty to apply in case of any difficulty.

(R.D. DHANUKA, J.)