

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 1461 OF 2018**

Bashir Fakirmohamed Patel & Ors ...Petitioners
Versus
Municipal Corporation of Greater Mumbai & Ors ...Respondents

**WITH
WRIT PETITION (L) NO. 3336 OF 2018**

Ahmed Rafique Dadan & Ors ...Petitioners
Versus
Municipal Corporation of Greater Mumbai & Ors ...Respondents

Mr AS Khandeparkar, *with Prerak Sharma, for the Petitioners.*
Mr Chetan Kapadia, *with Mr Vishal Kanade, Ms Kausar Bantawala,
Ms Ami Brahmbhati, i/b Tushar Toradia, for Respondent No. 6
in both Petitions.*
Mr Dharmesh Vyas, *with Mr Yashodeep Deshmukh & Vandana
Mahadik, for the Respondent-MCGM.*
Mr Ankit Lohia, *i/b RR Lanjekar, for Respondent No. 7 in both
Petitions.*

**CORAM: S. C. DHARMADHIKARI &
G.S. PATEL, JJ**
DATED: 19th June 2019

PC:-

1. After having heard both sides and being informed that the agreements for permanent alternate accommodation have been executed with all Petitioners, payments for transit monthly rent in lieu of transit accommodation have been made by cheques to all except one occupant who will also receive such payment by cheque before 22nd June 2019, this Writ Petition does not survive. Nothing needs to be done in terms of prayer clauses (a) to (g).

2. Now what remains is handing over possession by those in whose favour the agreements are executed and the cheques are given.

3. After some arguments, it is agreed that by 20th July 2019 each of these persons will vacate the existing premises and hand over vacant and peaceful possession thereof to the developer and society.

4. On its part, the society has yet to enrol some of the persons in whose favour the order has been passed by the Registrar, Cooperative Society, Maharashtra State and Mr Lohia, appearing on

behalf of the society, states that they would be enrolled as members within a period of four weeks from today. The Share Certificates will be issued to each of these persons whose names are included in the order of the Registrar, Cooperative Societies, Maharashtra State.

5. Both Petitions are disposed of.

(S. C. DHARMADHIKARI, J)

(G. S. PATEL, J)