

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

WRIT PETITION (L) NO.2244 OF 2019

Krishanu Chakravarty

Petitioner

versus

The State of Maharashtra and others

Respondents

Mr.Priyanshu Mishra for Petitioner.

Mr.Abhay L. Patki, Addl.Govt.Pleader, for State.

Mr.Rajeev Calvalho with Sabeena Mahadik with Pankaj Uttaradhi
I/by Sabeena Mahadik for respondent no.2.

CORAM : A.A.SAYED AND
PRAKASH D. NAIK, JJ.

DATE : 1st August 2019

PC :

1. The Petitioner who claims to be the licensee in respect of the secured asset viz Flat No.2504 on 25th floor of tower C of Oberoi Woods Co-op. Housing Society Limited, Mohan Gokhale Road, Village Pahadi, Goregaon (East), Mumbai-400 063 alongwith One Car Parking Space under a Leave and Licence Agreement dated 30th June 2019 can have no right, title or interest in the said flat. The said flat which is a secured asset of the Respondent-Bank and was mortgaged by the owner/borrower in December-2014.

2. The Petitioner was aware at least from 18th July 2019 that physical possession of the said flat is scheduled to be taken on 2nd August 2019. However, he has approached this Court directly at the eleventh hour instead of invoking the alternate remedy before the DRT.

3. In the circumstances, we are not inclined to entertain the Petition or grant any reliefs. The Petition is dismissed with liberty to the Petitioner to approach the DRT. The DRT to decide the proposed SA, if any, on its own merits without being influenced by this order. The judgment cited by the learned Counsel for Petitioner in case of B.Satyanarayanan Vs. Chief Metropolitan Magistrate, Allikulam Complex, Chennai and others (2018-SCC Online Mad-999) of the Division Bench of Madras High Court, has no application in the facts of present case.

(PRAKASH D. NAIK, J.)

(A.A.SAYED, J.)

MST