

SAS-NITIN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.3460 OF 2019

Mohammed Imran Mohammed

Akhtar Qureshi

..Petitioner.

V/s.

The Maharashtra Housing Area

Development.& Ors.

.Respondents.

Mr.Rakesh Kumar with Mr.Aslam Shaikh, Ms.Kajal Thallapallo & Mr.B.N.Shaikh i/b. Judicare Law Associates for the petitioner.

Mr.P.G.Lad with Ms.Sayli Apte & Ms.Priyanka Naik for respondent Nos.1 to 3.

Mr.Chirag Kamdarwith Ms.Nanki G.S. & Ms. Paridhi Saraf i/b. Wadia Gandhi for respondent No.8.

***CORAM : S.J.KATHAWALLA AND
B.P.COLABAWALLA, JJ.***

DATE : DECEMBER 11, 2019

P.C. :-

1. Not on board. Upon mentioning, taken on board.
2. The matter is taken up since the learned counsel appearing for the petitioner submitted that pursuant to the letter dated 20th November, 2019, MHADA Officers along with police are coming to his restaurant and are disturbing his business.
3. Mr.Lad, learned counsel appearing for MHADA has informed the Court that despite four notices, the petitioner-owner of the restaurant was

not allowing them to carry out measurements of the premises in his occupation and therefore they had to seek police help to get the same measured. He states that as far as the premises of the Petitioner is concerned, the same is already measured and, therefore, the question of their officials visiting his restaurant any more does not arise. The statement is accepted. Mr. Lad has further informed the Court that premises of one tenant on the first floor is required to be measured. In view thereof, without prejudice to the rights and contentions of the parties, the measurements shall be carried out on 12th December, 2019 at 12.00 noon.

4. The petition is accordingly disposed of.

5. In the event of any appropriate proceedings taken out by the petitioner, the same shall be decided on its own merits and all contentions of the parties are kept open.

(B.P. COLABAWALLA, J.)

(S.J. KATHAWALLA, J.)