

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.197 OF 2019**

Dr. Rajaram B. Gupta	]	Petitioner
Vs.		
Sadguru and DLPL Joint Venture	]	
(NEUMEC Group of Builders and	]	
Developers) and others.	]	Respondents

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Mr. Anand Pande i/b Mr. Ashok Pande, for Petitioner.

Mr. Amogh Singh i/b Mr. Jeet Gandhi, for Respondent No.1

Mr. Anoop Patil, for Respondent No.3.

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**CORAM : K.K. TATED &
PRITHVIRAJ K. CHAVAN, JJ.**

DATE : 3rd September, 2021

P.C.

1. Heard learned Counsel for the parties.
2. By this petition under Article 226 of the Constitution of India, the petitioner is seeking direction against respondents to allot him permanent alternate accommodation as per Annexure-II, at Sr. No.8 in the newly constructed sale building as per location shown in O.C Plan dated 26th August, 2016 and hand over peaceful and vacant possession of the same. The petitioner also

seeks direction against respondent No.1 to pay monthly transit rent to him from April, 2017 till handing over possession of the permanent alternate accommodation.

3. Learned Counsel appearing on behalf of the petitioner submits that though respondent No.1 obtained occupation certificate in the year 2016, they failed and neglected to hand over vacant and peaceful possession of the alternate accommodation to the petitioner.

4. At this stage, learned Counsel appearing on behalf of respondent No.1 after taking instructions from his client makes a statement that they are ready and willing to hand over possession of permanent alternate accommodation to the petitioner i.e commercial premises No.8 admeasuring 110 square feet, Kamgar Seva Mandal, Dr. E. Moses Road, Gandhi Nagar, Worli, Mumbai – 400 018 tomorrow i.e on 4th September, 2021 at 11.00 a.m. He submits that the petitioner to remain present on the site at that time.

5. Learned Counsel appearing on behalf of respondent No.1 makes a statement that they are trying to amicably settle the dispute between the parties though as per their contention possession was handed over to the petitioner earlier and thereafter he sublet the same to some other person.

6. Learned Counsel appearing on behalf of respondent No.3-SRA submits that dispute in respect of rental charges can be

referred to Co-operative Department, S.R.A as per their Circular No.153 dated 6th June, 2015.

7. Learned Counsel appearing on behalf of the petitioner submits that the petitioner has no objection for this arrangement. Hence, by consent of both the parties, following order is passed;

: ORDER :

- (a) Respondent No.1 to hand over Commercial Premises No.8, admeasuring 110 square feet, Kamgar Sena Mandal, Dr. E. Moses Road, Worli, Mumbai – 400 018 to the petitioner being permanent alternate accommodation tomorrow i.e on 4th September, 2021 at 11.00 a.m;
- (b) The petitioner shall remain present at the site tomorrow i.e on Saturday, the 4th September, 2021 at 11.00 a.m for taking possession;
- (c) After handing over possession, respondent No.1 to execute possession receipt;
- (d) Liberty is granted to the petitioner to make appropriate application to the S.R.A in respect of rental charges as per Circular No.153 dated 6th June, 2015.

- (e) If such application is made within two weeks from today, the Authority is directed to decide the same on its own merits after hearing both the sides, as early as possible, but, in any case, on or before 30th November, 2021;
- (f) Writ Petition stands disposed of in the aforesaid terms;
- (g) No order as to costs;
- (h) All contentions of the parties are kept open.

[PRITHVIRAJ K. CHAVAN, J.]

[K. K. TATED, J.]