

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 468 OF 2022
WITH
INTERIM APPLICATION (ST) NO. 9282 OF 2022

Mr. Bachhan Khan Hamid Khan	.. Appellant
Versus	
Mumbai Metropolitan Region Development Authority and Ors.	.. Respondents

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- Mr. Rajesh Singh a/w. Mr. Rahul Singh and Ittekhar Sayed, Advocates for the Appellant
 - Mr. Akshay Shinde, Advocate for Respondent Nos.1 and 2
 - Ms. Aparna Vhatkar, Advocate for Respondent No.3

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CORAM : MILIND N. JADHAV, J.
DATE : MAY 13, 2022.
(Vacation Court)

P.C.:

- 1.** Heard learned counsel appearing for the parties.
- 2.** The statutory appeal filed by the Appellant is pending before the Grievance Redressal Committee ("**GRC**") which is the substantive appeal in respect of the Appellant's right, title and interest in the subject flat.
- 3.** Admittedly the Appellant was residing in the subject property since 2009. The Appellant is directed to file the usual affidavit-cum-undertaking (format to be provided by the Respondent No.1 to the Appellant) in this Court stating that he shall abide by the

outcome of the above Appeal proceedings subject to his rights in law to challenge any such order that may be passed by the GRC and in the event if he does not succeed, he shall handover quite, vacant and peaceful possession of the subject flat to the officials of the Respondent No.1 - MMRDA. The Appellant also state that in the meanwhile no third party rights, title and interest shall be created by him in the subject flat.

4. Once the undertaking is filed, the Respondent No.1 is directed to reopen the lock put up on the subject flat being Flat No.608, Building No.9C, Shree Sai Darshan Co-operative Housing Society, Natwar Parekh Compound, Gautam Nagar, Indian Oil MMRDA Colony, Mankhurd Ghatkopar Link Road, Govandi, Mumbai - 400 043 and put the Appellant in possession of the same. The GRC of the Slum Rehabilitation Authority to decide the pending Appeal proceedings filed by the Appellant within a period of eight weeks from today. If the Appeal is decided against the Appellant, then the Appellant shall handover quite, vacant and peaceful possession of the subject flat to the Commissioner MHADA subject to his rights is appeal, if any.

5. Mr. Rajesh Singh, learned counsel appearing for the Appellant submits that he shall withdraw the suit filed against MMRDA

in the City Civil Court at Mumbai being Special Civil Suit No.536 of 2022 within a period of one week after been put in possession of the subject flat.

6. In view of the above, Appeal from Order stands disposed of in the above terms.

7. Interim Application (L) No.9282 of 2022 also stands disposed of.

8. All concerned to act on an authenticated copy of this order.

[MILIND N. JADHAV, J.]

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