

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

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**WRIT PETITION NO. 1744 OF 2022
WITH
INTERIM APPLICATION NO.4376 OF 2022**

Payarali Noorali Bhojani & Anr.

..... Petitioners /
Applicants

Vs.

Pramukh and Upar Zilha Adhikari,
Samajik Vikash Kasha & Ors.

..... Respondents

Mr. Naveen Vishwakarma for the Petitioners
Mr. Akshay P. Shinde for Respondent Nos.1 and 3
Mr. S. B. Gore, AGP for Respondent Nos.2 and 4

**CORAM: S.V.GANGAPURWALA &
S.G.CHAPALGAONKAR, JJ.**

DATED : DECEMBER 1, 2022

P.C.

1 We have heard the learned Counsel for the Petitioners. The learned Counsel for the Petitioners submits that the Petitioners are the tenants over the property which has been acquired under the award dated 29th January 2020. No notice has been issued to the Petitioners. The Petitioners are not against the development, however, their rights are to be recognized and the benefit is required to be given to the Petitioners. The Respondents have not given any tenement to the Petitioners. The Petitioners are legitimate tenants. The rent receipts are also filed on record.

2 The learned Counsel for Respondent Nos.1 and 3 submits that
the land, over which the structures exist, has been acquired for
Metro Project. The same is not for redevelopment of the property or
otherwise. The compensation is paid as per the Award.

3 Perusal of the Award, it appears that the land is acquired for
the purpose of Versova-Andheri-Ghatkopar Metro Project.

4 In the present matter, we are not going to decide the rights of
the parties *inter alia* as to whether the Petitioners are tenant or
otherwise. The building, admittedly, is not required to be demolished
for the purpose of redevelopment.

5 In light of that, unless the Petitioners show existence of their
vested right, no further orders could be passed. If the Petitioners
feel that the Petitioners have got some semblance of right, they may
approach Respondent Nos.1 and 3 and/or take up such proceedings,
as may be permissible in law.

6 In that event all contentions are kept open.

7 The Writ Petition is disposed of. No costs.

8 The Interim Application also stands disposed of.

(S.G.CHAPALGAONKAR,J.)

(S.V. GANGAPURWALA, J.)