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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2244 of 2019

Sageer Hanif Khan & Ors

...Petitioners

Versus

Gajanan Builders & Ors

...Respondents

Mr Sakeer H Khan, Petitioner No 1 with Mr Shamshed N Ali Khan,
Petitioner No 4 in person.

Mr Gauraj Shah, i/b Mr Madhu Surana for Respondent No 1.

Mrs Uma Palsuledesai, AGP for the State/Respondent.

Mr Kamlesh Ghumre, i/b Sonali Jadhav for MHADA/Respondent
No 5.

CORAM G.S. Patel &
Madhav J. Jamdar, JJ.
DATED: 14th March 2022

PC:-

1. We have disposed of Writ Petition (L) No 9433 of 2021 on 9th March 2022 by a detailed order. In that Petition we referred to the fact of filing of the present Petition also.

2. Mr Gauraj Shah points out that Petitioner Nos 2, 5, 8 and 10 have now given the Developer, Respondent No 1, Gajanan Builders consent Affidavits. They have accepted the rent. The remaining Petitioners are also the Petitioners in Writ Petition (L) No 9433 of

2021. The prayers in this Writ Petition are virtually identical to the prayers in Writ Petition (L) No 9433 of 2021.

3. For the reasons set out in our order dated 9th March 2022 in Writ Petition (L) 9433 of 2022, this Petition is also rejected.

4. At this stage, Petitioner Nos 1 and 4, Saeer Hanif Khan and Shamshad Nazim Ali Khan are present in the Court. They tender a written praecipe dated today saying that they have decided to withdraw the Petition with liberty to file “the Petition as and when required”. This communication is taken on record and marked “X-1” for identification with today’s date.

5. We do not believe that Petitioner Nos 1 and 4 have authority to speak for all the Petitioners. No such leave is granted to them. No authorisation has been shown. In any case Petitioner Nos 2, 5, 8 and 10 are still the Petitioners although they have given consent Affidavits to the 1st Respondent as noted above.

6. There is no question of permitting withdrawal with liberty as prayed. Liberty is refused.

7. The Writ Petition stands rejected. There will be no order as to costs.

(Madhav J. Jamdar, J)

(G. S. Patel, J)