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

WRIT PETITION NO.538 OF 2019

Ganga Singh Achhar Singh Sour & Ors. ...Petitioners
V/s.
The Municipal Corporation of Gr. Mumbai & Ors. ...Respondents

WITH
WRIT PETITION NO.3509 OF 2019

Chandrakanta C. Oberoi ...Petitioner
V/s.
State of Maharashtra & Ors. ...Respondents

WITH
INTERIM APPLICATION NO.2510 OF 2021
IN
WRIT PETITION NO.3505 OF 2019

Ganga Singh A.S. Sour & Ors. ... Applicants

IN THE MATTER BETWEEN :

Chandrakanta C. Oberoi & Ors. ...Petitioners
V/s.
State of Maharashtra & Ors. ...Respondents

WITH
INTERIM APPLICATION (LDG.) NO.19811 OF 2021
IN
WRIT PETITION NO.3505 OF 2019

Chandrakanta C. Oberoi ... Applicant

IN THE MATTER BETWEEN :

Chandrakanta C. Oberoi ... Petitioner

V/s.
State of Maharashtra & Ors. ...Respondents

WITH
INTERIM APPLICATION NO.2427 OF 2020
IN
WRIT PETITION NO.538 OF 2019
(NOT ON BOARD TAKEN ON BOARD)

Star Pack & Ors. ...Applicants

IN THE MATTER BETWEEN :

Ganga Singh A.S. Sour & Ors. ... Petitioners

V/s.
The Municipal Corporation of Gr. Mumbai & Ors. ...Respondents

Mr.Akshay Kapadia with Mr.M.B. Sherekar i/b Shashikant Sawadkar
for the Petitioners in WP No.538 of 2019 and Applicant in IA No.2510
of 2021.

Mr.J.S. Kini with Ms.Sapna Krishnappa for the Petitioner in WP
No.3505 of 2019 and for the Respondent Nos.4 and 5 in WP No.538
of 2019 and for the Applicant in IA(L) No.19811 of 2021.

Mr.Hemant Haryan, A.G.P. for the Respondent Nos.2 and 3 – State in
WP Nos.2 and 3 in WP No.538 of 2019.

Ms.Uma Palsule desai, AGP for the Respondent No.1 and 4 – State
in WP No.3505 of 2019.

Mr.N.R. Bubna with Ms.Oorja Dhond i/b S.K. Sonawane for the
Respondent No.1 in WP No.538 of 2019 and for the Respondent
Nos.2 and 3 in WP No.3505 of 2019.

Mr.S.G. Mahamuni i/b Mr.Narendra M. Gharat for the Intervenor in IA
No.2427 of 2020 in WP No.538 of 2019.

CORAM : R.D. DHANUKA &
KAMAL KHATA, JJ.
DATE : 13TH SEPTEMBER, 2022.

P.C. :-

1. Mr.Kapadia, learned counsel for the petitioners, on instructions, states that the applicants have no objection to file irrevocable consent as filed by some of the other tenants which is annexed at pages 370 to 397 to the additional affidavit on behalf of the petitioners filed in Writ Petition No.3505 of 2019 within one week from today subject to the rights of his clients to file a civil suit or any other appropriate remedy available in law for recovery of transit rent or any other monetary claim they propose to claim against the petitioners in Writ Petition No.3505 of 2019. Statement is accepted.

2. Learned counsel however, states that in addition to these petitioners, there are 14 other tenants that are also ready and willing to file irrevocable consent in favour of the developer. He seeks leave to implead those 14 tenants as petitioners no.5 to 18. Leave to amend is granted till 5.00 p.m. tomorrow. Learned counsel undertakes to file Vakalatnama on behalf of the newly added petitioners no.5 to 18 within one week from today. The petitioners no.5 to 18 shall also file irrevocable consent in favour of the developer within one week from today.

3. In view of the statement made by the learned counsel for the petitioners, we grant liberty to the petitioners including the newly added petitioners to file appropriate proceedings in the appropriate forum they propose to claim.

4. The developer would be entitled to rely upon these consents while making an application for IOD and CC as the case may be. Upon compliance by the petitioners of the requisitions made by the Corporation in Writ Petition No.3505 of 2019, the Municipal Corporation to issue IOD and CC expeditiously.

5. Both the writ petitions are disposed off in aforesaid terms. Pending interim applications, if any, are also disposed off. There shall be no order as to cost.

(KAMAL KHATA, J.)

(R.D. DHANUKA, J.)