

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.3011 OF 2021

Sayyed Mahfooz Ali ... Petitioner
Vs.
MCGM Thr. Executive Engineer & Ors. ... Respondents
WITH
INTERIM APPLICATION (L) NO.993 OF 2022
IN
WRIT PETITION NO.3011 OF 2021
WITH
INTERIM APPLICATION (L) NO.18 OF 2022
IN
WRIT PETITION NO.3011 OF 2021

Mr. Gauraj Shah i/by Ms. Rupali Gond for the Petitioner.
Ms. Oorja Dhond for the Respondent-Corporation.
Mr. Bipin J. Joshi for Respondent No.2.
Ms.Devyani Kulkarni i/b Mihir Joshi for Respondent No.3.
Mr. Chirag Kamdar for the landlord.
Mr.Priyanshu Mishra for the Applicant in IAL No.993 of 2022.
Adv.Maneeh Dixit i/b Adv.Santosh Kyadiguppi for the Interveners.

**CORAM : A.A. SAYED &
ABHAY AHUJA, JJ.**
DATED : 19 JANUARY 2022
(THROUGH V.C.)

P.C.:

Learned Counsel for the Respondent-Developer makes a statement that the Respondent-Developer, as and by way of permanent alternate accommodation, would earmark five flats each of 35.20 sq.mtr. carpet area, being flat Nos.304, 404, 704, 904 and 1004 in the new building which is under construction. He further makes a statement that the transit

rent/compensation shall be deposited in the Small Causes Court proceedings.

2. In view of the aforesaid statements, learned Counsel for the Petitioners seeks leave to withdraw the Petition.

3. The Petition is allowed to be withdrawn and to stand disposed of. In view of disposal of Writ Petition, Interim Applications do not survive and to stand disposed of.

4. The proceedings before the Small Causes Court are expedited. The Small Causes Court shall permit the Respondent-Developer to deposit the rent / compensation in the Court.

5. We make it clear that we have not gone into the merits of the matter and all contentions (including the contention as regards deficit area of 200 sq.ft) of the heirs of tenant late Sayyed Mahfooz Ali, are kept open. We record the contention on behalf of the Respondent No. 3 that flat numbers are different than what was agreed to by the Respondent-Developer. We also make it clear that this order shall also not affect the rights of 3rd parties in any proceedings.

(ABHAY AHUJA,J.)

(A.A.SAYED, J.)