

Arun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2327 OF 2022
WITH
INTERIM APPLICATION NO. 3647 OF 2023
IN
WRIT PETITION NO. 2327 OF 2022
WITH
INTERIM APPLICATION NO. 3650 OF 2023
IN
WRIT PETITION NO. 2327 OF 2022

Jahangir Alam Maqbool Khan & Ors

...Petitioners

Versus

The Chief Officer, MBR and R Board (A
MHADA Unit) & Ors

...Respondents

Ms Archana P Gaikwad, for the Petitioners.

**Mr Malcom Siganporia, with Rajendra Rathod, Abdullah Maknojia
& Umar Dalvi, for Respondent No. 4.**

Mr Sagar Patil, for the MCGM.

Mrs AA Purav, AGP, for Respondent-State.

**CORAM G.S. Patel &
 Neela Gokhale, JJ.**
DATED: 31st July 2023

PC:-

Digitally signed
by ARUN
BANCHANDRA
SANKPAL
Date: 2023.08.01
19:31:29
+0530

1. We are informed that four of the five persons have accepted their cheques and taken possession of the premises in question. We are told that the 1st Petitioner has accepted the cheque but has declined to take possession of the premises, Shop No. 9, since he disputes the location which is at the rear of the structure. That cannot be the subject matter of a writ proceeding.

2. The 1st Petitioner is at liberty to take possession on a without prejudice basis and to adopt appropriate proceedings in that regard for a relocation.

3. We are informed that as between the Petitioners and the developer there were Consent Terms and the locations were in fact agreed in those Consent Terms. We only note the submission but leave all contentions open for an appropriate proceeding.

4. The Petition is disposed of in these terms with no order as to costs.

5. Any other disputes as to a difference in the amount of rent payable may also be taken in a civil proceeding.

6. All pending Interim Applications are disposed of as infructuous.

(Neela Gokhale, J)

(G. S. Patel, J)