



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3348 OF 2023

Palmera Co-Operative Housing Society Limited ... Applicant/Intervenor

In the matter between :

Bhawarlal Devichand Shah ... Petitioner

V/s.

Union Of India And Ors. ... Respondents

IN

CRIMINAL WRIT PETITION NO. 62 OF 2014

Bhawarlal Devichand Shah ... Petitioner

V/s.

Union Of India And Ors. ... Respondents

Mr. Milind Sathe, Senior Counsel a/w Mr. Bhushan Deshmukh i/b M. G. Gawde for Applicant/Intervenor.

Mr. B. Seshagopalan a/w Mr. Sachin Padaye for Petitioner.

Mrs. A. S. Pai, PP a/w. Mr. Avinash Kamkhedkar, APP for Respondent-State.

Mr. Hiten Venegaonkar a/w Ms. Priya Dubey for Respondent-SAFEMA.

**CORAM : A.S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 1st NOVEMBER, 2023.

PC. :

1) This is an Application for modification of Order dated 21st January, 2014 passed in Criminal Writ Petition No. 62 of 2014 filed by Mr. Bhawarlal Shah (Original Petitioner). By Order dated 21st January, 2014, this Court has directed the parties to the Petition to maintain *status-quo* as

on that day in respect of the subject flat. By the said Criminal Writ Petition, the Petitioner Mr. Bhawarlal Shah has impugned Order of forfeiture dated 6th January, 2012 passed by the Respondent No.2; Order dated 29th November, 2013 passed by the Appellate Tribunal and the subsequent directions dated 23rd December, 2013 passed by the Respondent No.2 in the said proceeding initiated by the Competent Authority under SAFEMA/NDPS.

The property of the Petitioner i.e. flat bearing No. 1502 is in the Society of Applicant/Intervenor.

3) Mr. Sathe, learned Senior Counsel for Applicant submitted that, the majority of the members of the Applicant-Society have decided to undergo the process of re-development. As there is an Order passed by this Court with respect of the suit flat of the Petitioner, there are certain difficulties being faced by the members of the Society. He therefore has prayed that, Order dated 21st January, 2014 be suitably modified.

4) Present Application was heard on earlier about three occasions. In view of the deliberation took place in the Court, the parties herein including the Competent Authority had agreed to draw Minutes of Order to facilitate the Applicant-society of which there are 48 members, to undertake the process of redevelopment.

5) Today, Mr. Sathe, learned Senior Counsel for Applicant tendered across the bar Minutes of Order dated 1st November, 2023. The said Minutes of Order are duly signed by the Advocate for the Applicant,

Advocate for Petitioner and the Advocate for Competent Authority under SAFEMA/NDPS on instructions from Mr. Munaf Sayed, Inspecting Officer and Mr. Gaurav Sharma, Inspector. The said Minutes of Order are taken on record.

6) Application is accordingly allowed in terms of Minutes of Order dated 1st November, 2023.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)