

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12677 OF 2018

Manoj Hiralal Mishra

... Petitioner

*Versus*Mumbai Metropolitan Region Development
Authority and ors.

... Respondents

None for the Petitioner.

Mr.Akshay P. Shinde, for Respondent No.1.

CORAM: G. S. KULKARNI, J.DATED: JANUARY 06, 2023

PC.

1. None for the petitioner. Mr.Shinde, learned Counsel appearing for respondent No.1 states that the structure was demolished on 29 March 2019. A co-ordinate Bench of this Court on 31 October 2018 has heard this petition and passed the following order:-

“1. Learned Counsel for the Petitioner has produced a list of documents to show that the Petitioner is in possession of the said premises since, 1996 to 1997 and documents to show that the said premises was standing in the name of the Petitioner's father.

2 Learned Counsel for the Respondent No.1 makes a statement, on instructions, that in the event, the Petitioner is found eligible for an alternate accommodation, he will be given the benefit of alternate accommodation as per the MUTP Policy. Statement accepted. She further states that she is making the aforesaid statement, without prejudice to her rights and contentions to contest the petition on merits. Learned Counsel for the Respondent No.1 also seeks time to file an affidavit-in-reply. Time granted. The same shall be filed in the Registry, before the next date and a copy thereof be served on the learned counsel for the petitioner.

3. Stand over to 29th November, 2018.”

- 2.** The Court in paragraph (2) has recorded a statement on behalf of respondent No.1 that in the event the petitioner is found eligible for an alternate accommodation, he would be given the benefit of alternate accommodation as per the MUTP policy, and such statement is accepted.
- 3.** None appears for the petitioner. It appears that the petitioner has lost interest to prosecute the present petition. The petition is accordingly disposed of, however, accepting the statement as made on behalf of the respondent No.1 in paragraph (2) of the order dated 31 October 2018.
- 4.** All contentions of the parties are expressly kept open in respect of any claim made by the petitioner on the alternate accommodation.

(G. S. KULKARNI, J)