
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8471 OF 2024

Shreya Ramesh & Others

.. Petitioners.

Versus

State of Maharashtra
& Others

.. Respondents

Adv. Rubir Vakil with Adv. Sonam Mhatre, Mr. Amit Mishra and Mr. Punit Agarwal i/b. Dhaval Vussonji, for the Petitioners.

Adv. Ms. S. D. Vyas, Addl. G. P. with Mr. M. M. Pabale, AGP, for Respondent Nos. 1 to 3.

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**CORAM: B. P. COLABAWALLA &
 FIRDOSH P. POONIWALLA, JJ.**

DATE: JUNE 19, 2024

P. C.

1. The above Writ Petition is filed, seeking directions to Respondent No.2 to issue a warrant for handing over peaceful possession of the subject flat [Flat No. 702 ad-measuring 1350 sq.ft. RERA carpet area in 'C' wing of a building known as "Olivia" in the complex known as "Neelkanth Woods" (subsequently renamed as "Verraton")], to the Petitioners forthwith in accordance with law.

2. This relief is sought on the basis of the orders passed by MahaRERA dated 18th May, 2022 and 17th October, 2022.

3. The other relief sought is to direct Respondent No.3 (the Collector) to take necessary steps in accordance with law to execute the warrants dated 29th November, 2023 and 23rd February, 2024. The warrant of 29th November, 2023 is issued for recovery of penalty from the developer (Respondent No.4) for non-compliance of the orders dated 18th May, 2022 and 17th October, 2022. The warrant dated 23rd February, 2024 is for interest payable to the Petitioners (without any adjustment) as ordered by MahaRERA in its order dated 18th May, 2022 read with the order dated 17th October, 2022.

4. The learned Counsel appearing on behalf of the Petitioners submitted that Respondent No.4 has been duly served as evidenced by Affidavit of Service dated 15th June, 2024. Despite service, none have appeared on behalf of Respondent No.4 today.

5. Before we proceed to pass any order in this Writ Petition, we direct that the Petitioners shall serve Respondent No.4 by hand delivery

along with copy of this order and file an Affidavit of Service to that effect on or before the next date.

6. Respondent No.4 is put to notice that if it does not appear in the above matter on the next occasion, this Court shall proceed to pass orders in its absence and dispose of the Petition finally. Parties are also put to notice that the Court may dispose of the above Writ Petition at the admission stage itself.

7. If Respondent Nos. 1 to 3, represented by Ms. Vyas, the Addl. G. P. want to file any Affidavit in Reply, they may do so on or before 3rd July, 2024 and serve copy of the same on the Advocate for the Petitioners.

8. Stand over to 4th July, 2024 (HOB).

9. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]