

P. V. Rane

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2638 OF 2023

Samson Peter & Anr.

... Petitioners

Versus

State of Maharashtra & Ors.

... Respondents

Mr. Anand Pande, for the Petitioners.

Smt. Jyoti Chavan, Addl. Govt. Pleader with Mr. S. B. Gore, AGP for the State.

Ms. Shivani Varade i/b. MDP & Partners, for Respondent No.4.

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 8 February 2024

P. C.:

1. The only substantive prayers as made in the petitions read thus:

a. A Writ of Mandamus or any other writ or order be issued against the Respondent No.2 and 3 directing the Respondent No.2 and 3 to execute the Recovery Warrant dated 29.06.2021 Ex.C pursuant to the order dated 06.07.2020 Ex.B passed by the tribunal in Complaint No.CC006000000100567 by attaching and selling the properties of Respondent No.4.

b. that the Respondent No.2 and 3 be directed to see to it that the petitioners are paid their just and due payment as per the order dated 06.07.2020 Ex.B issued by the RERA Tribunal.”

2. The grievance of the petitioners is that a recovery warrant has been issued in the proceedings in pursuance of the order passed by MAHARERA on

6 July, 2020 against respondent No.4, however, no action has been taken by the concerned authority to execute the said warrant.

3. In the aforesaid circumstances, as this is the only contention of the petitioners, we direct respondent Nos.1, 2 and 3 to take appropriate action in respect of the Recovery Warrant dated 29 June, 2021 issued in pursuance of the order dated 6 July, 2020 passed by the MAHARERA Tribunal, as expeditiously as possible, and, in any case, within a period of six weeks from the date a copy of this order is presented before the concerned authority.

4. All contentions of the private respondents are expressly kept open.

5. Disposed of in the above terms. No costs.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)