

P. V. Rane

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 5343 OF 2022

Vinod Kumar Pandey & Anr.

... Petitioners

Versus

State of Maharashtra & Ors.

... Respondents

Mr. Anand Pande, for the Petitioners.

Smt. Jyoti Chavan, Addl. Govt. Pleader with Smt. Uma Palsuledesai,
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 petition 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 15.11.2021 pursuant to the order dated 14.10.2019 passed by the tribunal in Complaint No.CC006000000058022 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 14.10.2019 issued by the 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

14 October 2019 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 15 November 2021 issued in pursuance of the order dated 14 October 2019 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.)