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DARSHAN
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1055 OF 2024

Harshit Merchant and Anr. ...Petitioners
Versus
Maharashtra Housing and Area Development ...Respondents
Authority and Ors.

Mr Rohan Sawant, a/w Adv Monisha Mane – Bhangale, Adv Chandrajit Das and Adv Manasi Desai i/b Parinam Law Associates, for the Petitioners.
Mr P G Lad, for the Respondent-MHADA.
Mr Karl Tamboly, a/w Adv Shachi Udeshi, Adv Sujith Nair i/b Wadia Ghandy and Co., for Respondent No.4.
Adv Shachi Udeshi, a/w Adv Sujith Nair i/b Wadia Ghandy and Co., for Respondent No.5.

CORAM M.S. Sonak &
Kamal Khata, JJ.
DATED: 27 September 2024

PC:-

1. Not on board. Upon mentioning taken on board.
2. Heard learned counsel for the parties.
3. The petitioners' only grievance before this Court is that the terrace adjoining the petitioners' premises and overhead should be measured by the MHADA officials before the building is demolished.

4. Mr Lad learned counsel for the MHADA states that measurements are not necessary. In any event, the MHADA officials will take joint measurements provided that the petitioners cooperate and proceed to carry out the demolition. Mr Lad states that this morning itself MHADA officials on his telephonic instructions, had proceeded on site to take measurements. However, access to the terrace was found to be locked.

5. Learned counsel for the petitions states that the access would be provided immediately so that today itself the MHADA officials can take measurements in the presence of the petitioners and then proceed with the demolition.

6. We clarify that all rights and claims of all the parties including in particular petitioners and respondents 4 and 5 are not decided by this order more particularly since there is a Civil Suit pending between the parties. In any event, parties are free to assert their claims and counterclaims against each other before the appropriate forum and in accordance with law.

7. This petition is disposed of in the above terms without any orders for costs. All concerned to act on the authenticated copy of this order.

(Kamal Khata, J)

(M.S. Sonak, J)