



Pradnya

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1064 OF 2024**

Jinesh Vora and anr.

...Petitioners

Versus

Maharashtra Area and Development Authority ...Respondents
and ors.

Mr. Mayur Khandeparkar, *i/b. Ms. Purva Naik, for the Petitioners.*

Ms. Manisha Jagtap, *for the Respondent-MHADA.*

Ms. Meena Dhuri, *for the Respondent-BMC.*

Mr. Rohan Sawant, *a/w Mr. Viraj Jadhav a/w Mr. Kevin Pereira i/b.
Mr. Chinmay Acharya, for Respondent No.5.*

**CORAM M.S. Sonak &
 Kamal Khata, JJ.
DATED: 11th July 2024**

PC:-

1. Heard learned counsel for the parties.
2. Learned counsel for the parties state that this Petition can be disposed of with the following agreed order.
3. The Maharashtra Housing and Area Development Authority (“MHADA”) officials, the representative of the Developer and the Petitioners will jointly inspect the premises on 12th July 2024 at 2:30 p.m. At such inspection, the MHADA officials will take the measurements of the mezzanine floor of the said shop occupied by the Petitioners in the certified list of the tenants issued by the 2nd and 3rd Respondents.

4. The MHADA will forthwith supply to the Petitioners and the Developer the copy of the inspection report and measurements. The Petitioners and the Developer are at liberty to accept this copy without prejudice to their respective rights and contentions regards measurements and other issues.
5. Learned counsel for the Petitioners states that no sooner the inspection memo along with the measurements is furnished to the Petitioners, the Petitioners will, within 24 hours of the receipt of that inspection/measurement report, vacate the suit premises to facilitate the redevelopment.
6. The issue as to whether the Petitioners should be held as eligible to receive the benefits of redevelopment in respect of the mezzanine floor area or not is kept open and is to be decided by the concerned MHADA authorities in accordance with law.
7. The MHADA authorities must decide this issue one way or the other on or before 8th August 2024. The decision in this regard must be communicated to the Petitioners and the Developer. If any of the parties are aggrieved by such decision, they will be at liberty to appeal such decision in accordance with law.
8. This Writ Petition is disposed of in the above terms. There shall be no order for costs.
9. All concerned must act on an authenticated copy of this order.

(Kamal Khata, J)

(M.S. Sonak, J)