

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 1136 OF 2024

Vimla Vijay Patel

} ...Petitioner

V/S.

Grievance Redressal Committee

and anr.

} ...Respondents

Mr. Kanhaiya S. Yadav, *for the Petitioner.*

Ms. Poonam Mital, *AGP for State-Respondent No.2.*

Mr. Anil R. Mishra, *for Respondent No.5.*

Mr. George Thomas, *for Respondent No.6.*

CORAM : SANDEEP V. MARNE, J.

Dated : 27 March 2024.

P.C. :

1) It must be observed at the very outset that the petition filed by the Petitioner is totally misconceived. Petitioner claims allotment of Unit No.609 by Respondent No.5-developer vide possession receipt dated 8 June 2020. Respondent No.5-developer does not have jurisdiction, power or authority to make allotment of any residential

rehab unit. It appears that, what is allotted to the Petitioner in the lottery conducted under the aegis of the Assistant Registrar, SRA is Unit No.203. However, instead of occupying Unit No.203, the Petitioner has procured possession of Unit No.609 unilaterally from the developer. It appears that Unit No.609 was allotted under lottery to Respondent No.6.

2) Now when the Petitioner is called upon to vacate Unit No.609, he has filed the present petition complaining that since a stranger is occupying Unit No.203, he is unable to vacate Unit No.609. Though the name of the said stranger is pleaded by the Petitioner in para-15(xii) as Kanti Patel, the Petitioner has not bothered to implead Kanti Patel as a party Respondent to the present petition. In my view therefore, the petition filed by the Petitioner deserves to be dismissed as the objective of the Petitioner is just to protect possession of Unit No.609 and he is not making any efforts to ensure that he gets possession of Unit No.203. Infact, the prayers made in the present petition do not reflect that the Petitioner is desirous of occupying Unit No.203. The petition as drafted appears to be totally misconceived deserving its outright rejection. Though, lottery and allotment of rehab residential units is required to be done by Assistant Registrar, SRA, the Petitioner has not bothered to implead SRA as party Respondent to the petition. This is yet another reason why the petition deserves dismissal.

3) The learned counsel appearing for the Petitioner seeks leave to amend the petition with a view to implead Assistant Registrar, SRA as well as Kanti Patel to the present petition as well as to amend the

prayer clauses of the petition. The learned counsel for the Petitioner submits that Respondent No.6 is no more and he seeks leave to bring legal heirs of Respondent No.6 on record. Leave granted. Re-verification is dispensed with. Amendment to be carried out within two weeks from today.

4) Issue notice to the newly added Respondents returnable on **30 April 2024**. To be listed high on board.

5) Interim relief granted earlier shall continue to operate till the next date of hearing.

[SANDEEP V. MARNE, J.]