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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1390 of 2024

Ketan Mangesh Rane (Deleted since deceased)
Alka Ketan Rane & ors. ...Petitioners
Versus
State of Maharashtra and ors. ...Respondents

ALONG WITH
INTERIM APPLICATION (L) NO.20221 OF 2024
IN
WRIT PETITION NO.1390 OF 2024

Alka Ketan Rane & ors. ...Applicants/
Original
Petitioners

In the matter between

Ketan Mangesh Rane and ors. Petitioners
Versus
State of Maharashtra and ors. ...Respondents

Ms Priyanka Bhandari, a/w Mr Sanket Dhawan for the Petitioners.
Mr Sunny Shah, a/w Mr Viral Shukla, Mrs Priti Shukla and Mr
Rudra Dani i/by Shukla & Associates for proposed
Respondent No.18
Mr P G Lad, for the Respondent – MHADA.
Ms S V Tondwalkar, for the Respondent – BMC.
Ms Uma Palsule-desai, AGP for the Respondent – State.
Mr Manish Rathod & Mr Jatish Mehta, the partners of M/s. Mehta
Developers – Proposed Respondent No.18, present.

CORAM M.S. Sonak &
 Kamal Khata, JJ.
DATED: 20 August 2024

PC:-

1. Heard learned counsel for the parties.
2. Leave is granted to delete the first Petitioner's name from the cause list. Learned counsel for the Petitioners states that the second Petitioner is the legal representative of the first Petitioner, who has since expired. Similarly, leave is granted to implead M/s. Mehta Developers as the Eighteenth Respondent in this Petition.
3. Such amendments are to be carried out immediately. Re-verification is dispensed with.
4. Ms Priyanka Bhandari, learned counsel for the Petitioners and Mr Sunny Shah, learned counsel for the proposed Respondent No.18, i.e. M/s. Mehta Developers hand in the Consent Terms entered into between the Petitioners and the proposed Respondent No.18. These consent terms are taken on record and marked as "X" for identification with today's date.
5. Learned counsel for the Petitioners and Respondent No.18 have assured this Court that the Consent Terms do not involve Respondent Nos.1 to 6, i.e. the State and Statutory Authorities. They refer to clause 3 of the Consent Terms, stating that the Petitioners unconditionally withdraw the present Petition as against Respondent Nos. 1 to 6. Such withdrawal is permitted accordingly, and the Petition is disposed of as withdrawn unconditionally qua Respondent Nos. 1 to 6.

6. We have perused the Consent Terms and found nothing that could be said to oppose public policy. The Consent Terms have been signed by all the Petitioners and identified by the learned counsel for the Petitioners, who have also signed them.

7. Similarly, the Consent terms have been signed by the authorised representatives of Respondent No.18 and the advocate for Respondent No.18.

8. Six of the nine Petitioners are present in Court today. They say that they signed these terms voluntarily after understanding their full scope and import.

9. The Petitioners, present in Court today, assure this Court that the remaining three Petitioners have signed the Consent Terms voluntarily after understanding their full scope and import. They submit that these Petitioners could not remain present in the Court for medical reasons.

10. Similarly, Respondent No. 18's partners are present in the Court and state that they have signed these terms voluntarily after understanding their full scope and import.

11. Accordingly, we accept these Consent Terms and dispose of Writ Petition No.1390 of 2024 in terms of such Consent Terms. In these Consent Terms, the undertakings, if any, are accepted as undertakings to this Court. All parties will, therefore, have to abide by the Consent Terms.

12. The Consent Terms, in paragraph 20, record that the Petitioners withdraw all allegations and unconditionally withdraw

Suit No.2689 of 2023 pending before the Bombay City Civil Court and Appeal From Order No.171 of 2023 pending before this Court, together with all interim applications filed thereunder, in view of these Consent Terms. This statement is also accepted, and the parties will have to act accordingly.

13. Learned counsel for the Petitioners states that Respondent Nos.7 to 17 are only formal parties; therefore, this Petition may be dismissed against them. The Petition is accordingly dismissed as against Respondent Nos. 7 to 17 by clarifying that nothing in these Consent Terms will affect the interest of Respondent Nos. 7 to 17.

14. A soft copy of the Consent Terms will be uploaded as the second order. Further, the Registry must ensure that the hard copy of the signed Consent Terms is permanently retained on file as part of the record and is not sent for destruction in the ordinary course.

15. To effect the property transfers contemplated in the Consent Terms, liberty to the parties to present a certified or an authenticated copy of these Consent Terms and a certified or an authenticated copy of this order before the Collector of Stamps or Sub-Registrar of Assurances if required.

16. The Petition is disposed of in the above terms. All pending Interim Applications stand disposed of. All parties can act upon an authenticated copy of this order.

(Kamal Khata, J)

(M.S. Sonak, J)