

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

WRIT PETITION NO. 2473 OF 2024

D. N. Nagar Shivneri Co-operative Housing
Society Limited & Anr. ...Petitioners

Versus

State of Maharashtra & Ors. ...Respondents

Mr. Prateek Seksaria, Senior Advocate, a/w Bhushan Deshmukh, Dhiren Shah, Nikita Ghungarede & Riddhi Dhamecha, i/b Dhiren Shah, Advocates for the Petitioners.

Ms. Vaishali Chaudhari, Addl.GP, a/w Nazia Shaikh, AGP, for Respondent No.1.

**CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**

DATE : MAY 08, 2024

PC :

1. The present petition is filed impugning the order dated 16.10.2023 passed by Respondent No.2 and also the circular dated 10.01.2024 issued by Respondent No.2 and seeking a Writ of Mandamus directing the Respondent No.2 to register the project of the Petitioners which is being self-developed.

2. Mr. Seksaria, Learned Senior Counsel appearing on

behalf of the Petitioners submits that the impugned order passed by the Respondent No.2 is also challenged by the Petitioner No.1 before the Maharashtra Real Estate Appellate Tribunal (MREAT) and the same is listed before the MREAT today. He submits that the Petitioners will seek for urgent interim/ad-interim reliefs in the aforesaid appeal and for that purpose have already filed a Miscellaneous Application before the MREAT.

3. He further requests that the present writ petition can be disposed of at this stage with liberty to seek the other reliefs in terms of prayer clauses B and C in the petition vide a separate petition if so required and by directing the MREAT to decide the Miscellaneous Application for interim /ad-interim reliefs today and to decide the appeal in a time bound manner.

4. He further requests that the Respondent No.2 be directed to decide the application of the Petitioner seeking registration of the project in its name in accordance with law, without prejudice to the pending appeal seeking deregistration.

5. Accordingly, we are inclined to accept the request made

by the Petitioners and accordingly request the MREAT to hear and decide the Miscellaneous Application No. 698 of 2023 in Appeal No. AToo6000000184788 of 2023 for ad interim reliefs that is listed today on the board of the MREAT or latest within one week from today and pass orders thereon.

6. We further request the MREAT to hear and decide the appeal of the Petitioner No.1 within a period of 4 weeks from today.

7. The Present Writ Petition No.2473 of 2024 is accordingly disposed of with liberty as prayed. However, there shall be no order as to costs.

8. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B. P. COLABAWALLA, J.]