

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****WRIT PETITION NO. 2306 OF 2024**

Umashankar Mishra

(Since deceased through legal heirs)

Akhilesh Umashankar Mishra

... Petitioner

V/s.

State Of Maharashtra & Ors.

... Respondents

WITH**WRIT PETITION NO. 2309 OF 2024**

Nanda Sharad Satpute

(Since deceased through legal heirs)

Sharad Ganpatrao Satpute & Ors.

... Petitioners

V/s.

State Of Maharashtra & Ors.

... Respondents

WITH**WRIT PETITION NO. 2305 OF 2024**

Ashok Bhagchandani

... Petitioner

V/s.

State Of Maharashtra & Ors.

... Respondents

Mr. Shailendra S.Kantekar for Petitioner/s in all Petitions.

Mr. Milind More, Addl. G.P for Respondent No.1-State in WP/2306/2024.

Mr. Vishal Thadani, Addl.G.P a/w Mr. Prashant Kamble, A.G.P for Respondent No.1-State in WP/2309/2024.

Mr. Atul Vanarse, A.G.P for Respondent No.1-State in WP/2305/2024.

Mr. P.G. Lad a/w Ms. Sayli Apte and Ms. Shreya Shah for Respondent Nos. 2 to 5-MHADA.

Ms. S.V. Tondwalkar i/b Ms. Komal Punjabi for Respondent No.6-BMC.

Mr. A.S. Khandeparkar, Senior Advocate a/w Mr. Prerak Sharma and Mr. Farhan Shaikh i/b Mr. Prerak Sharma for Respondent No.7.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.****DATE : 7th April 2025.**

P.C. :

1) Though, the Respondent No.7 is ready and willing to perform his part of obligation as per the provisions of law, the expectations and demands of Petitioner(s) are far more and unending. The Petitioner(s) are also raising various disputed questions of fact including the issue of quantification of the transit rent to be paid to them by the Respondent No.7. We cannot adjudicate such disputed questions of facts and/or quantification of their rent and other related declarations in our writ jurisdiction under Article 226 of the Constitution of India. We therefore deem it appropriate to relegate the Petitioners to avail the alternate remedy before the Civil Court of competent jurisdiction for adjudication of said issues, by lending evidence in support of their case.

1.1) In view of above, by reserving the said substantive alternate remedy in favour of the Petitioner(s), Petitions are disposed off.

2) Though, we have disposed off the Petitions, the Petitioner(s) and Respondent No.7 are at liberty to have a dialogue to settle their disputes amicably out of the Court.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)