

Sharayu Khot.

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

WRIT PETITION NO. 3552 OF 2024

Suvarna Shivrām Parte

...Petitioner

Versus

State of Maharashtra & Ors.

...Respondents

Mr. Rohan Savant i/by Mr. Sunil Kadam for the Petitioner.

Ms. Anupamaa Pawar, AGP for the Respondent No. 1.

Mr. Parth Rajput i/by Talekar and Associates for the Respondent Nos.
2 to 4 – MHADA.

Mr. Shrikant Deshmukh for the Respondent No. 5.

Ms. Suvarna Parte, Petitioner present.

Ms. Shubhangi Parte, Respondent No. 5 present.

CORAM : R.I. CHAGLA J

DATE : 5 March 2025

ORDER :

1. The Petitioner and the Respondent No. 5 have arrived at a settlement in the above Writ Petition. The Consent Terms dated 1st February 2025 is tendered and taken on record and marked 'X' for identification. The Consent Terms have been signed by the Petitioner and Respondent No. 5 as well as by their respective Advocates. The Signatories to the Consent Terms are present in Court.

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2. The Petitioner and Respondent No. 5 have signed the Consent Terms in Marathi and it is mentioned in Clause 3 of the Consent Terms that the terms have been read and explained in Marathi to the Petitioner and Respondent No. 5.

3. By these Consent Terms, Respondent No. 5 has given no objection to Respondent Nos. 2 to 4 – MHADA for allotment of unit / room to the Petitioner or any other unit / room, which may be allotted by MHADA to the Petitioner. It is agreed between the Petitioner and Respondent No. 5 that upon respective allotment and possession of the said room, the Petitioner shall pay Rs. 17,00,000/- within two months to Respondent No. 5 in view of her consent. Respondent No. 5 and any person claiming through her, upon receipt of Rs. 17,00,000/-, shall not have any claim against the said rooms. The Petitioner and Respondent No. 5 jointly pray for setting aside of the impugned order and to direct Respondent Nos. 2 to 4 to expedite allotment of the said room to the Petitioner.

4. It is made clear that the Consent Terms are between the Petitioner and Respondent No. 5 and that Respondent Nos. 2 to 4 had given their NOC and only by virtue of Respondent No. 5 raising

objection the allotment could not be implemented. By virtue of this Consent Terms, Respondent No. 5 has given her consent to the allotment to the said room by Respondent Nos. 2 to 4 to the Petitioner.

5. In view thereof, the impugned order is set aside and Respondent Nos. 2 to 4 is directed to expedite allotment of the said room in favour of the Petitioner, and in any event, within a period of four weeks from the date of this order.

6. Writ Petition No. 3552 of 2024 is accordingly, disposed of in terms of the Consent Terms.

7. A soft copy of the Consent Terms will be uploaded as the second order in the matter.

8. The Registry is to 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.

[R.I. CHAGLA J.]