

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****WRIT PETITION NO.2388 OF 2024**

Nitin Bhabutmal Jain & Ors.

... Petitioners

V/s.

The State of Maharashtra & Ors.

... Respondents

WITH**WRIT PETITION NO. 1385 OF 2024****WITH****INTERIM APPLICATION (L) NO.27886 OF 2024****IN****WRIT PETITION NO. 1385 OF 2024**

Macrotech Developers Limited

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

Adv. Y.E. Mooman for Petitioners in WP No.2388 of 2024.

Adv. Amogh Singh a/w Adv. Jeet Gandhi for Petitioner in WP No.1385 of 2024.

Adv. Vishal Thadani, Addl.G.P for Respondent-State in WP No.2388 of 2024.

Adv. Jyoti Chavan, Addl.G.P a/w Adv. Varsha Sawant, A.G.P for Respondent-State in WP No.1385 of 2024.

Dr.Uday Warunjikar a/w Adv. Sonali R. Chavan for Respondent-MHADA in WP No.2388 of 2024.

Adv. P.G. Lad for Respondent-MHADA in WP No.1385 of 2024.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

DATE : 10th January 2025.

P.C. :

- 1) Mr. Lad, learned Advocate appearing for Respondent-MHADA submitted that, in furtherance of Orders dated 19th June 2024 and 26th June 2024, the concerned Authority has carried out joint inspection. That, the report indicating the carpet area as per site inspection is also prepared on 1st July 2024.
- 2) Mr. Mooman, learned Advocate appearing for Petitioners in WP No.2388 of 2024, tendered across the bar an Affidavit of Shri. Nitin Jain, Petitioner No.1, dated 10th January 2025. It is stated therein that, without prejudice to the rights and contentions of the Petitioners, the Petitioners are ready and willing to accept the possession of the premises as allotted to them in light of measurement and compliance Affidavit dated 2nd July 2024, filed by MHADA and MCGM.
- 3) Upon a query by this Court, learned Advocate Mr. Mooman, submitted that, the dispute is now with respect to only the Transit Accommodation Rent.
- 4) Mr. Lad, learned Advocate appearing for MHADA submitted that, if the Petitioners approached the concerned Authority of MHADA, the procedure for physical allotment of flats will be completed within a period of two weeks therefrom. The said statement is accepted.
- 5) In view thereof, nothing further survive in the Petitions, Petitions are accordingly disposed off.

6) As far as disputed question of payment of arrears of rent is concerned, the Petitioners are at liberty to file appropriate Application before the concerned Authority of MHADA for adjudication of their Transit Accommodation Rent.

7) In view of disposal of Petitions, Interim Application (L) No.27886 of 2024, does not survive and is also disposed off.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)