

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

**WRIT PETITION NO.1374 OF 2017
WITH
NOTICE OF MOTION (L) NO.255 OF 2018**

Rehman Co-o. Housing Society Limited ... Petitioner

Versus

The Collector of Mumbai City And Others ... Respondents

.....

Mr. Mayur Khandeparkar I/b Jamshed Ansari for the Petitioner.

Mr. H.S. Venegaonkar, Additional Government Pleader for Respondent No.1.

Mr.Firoz Bharucha a/w Ms. Namrata Vora I/b Mulla & Mulla & Craigie Blunt & Caroe for Respondent No.3.

....

CORAM : S.C. GUPTE, J.

DATE : 26 APRIL 2018

P.C. :

. Heard learned Counsel for the parties.

2 Rule.

3 In the meantime, pending the hearing and final disposal of the petition, the Respondents are restrained from taking any coercive step against the Petitioner in pursuance of the order dated 5 October 2016 or taking any other step for resumption of the land or initiating any eviction proceeding against the petitioner. The Respondents are also restrained from taking any further step in renewing the lease in respect of the plot of land described in prayer clause -(E) of the petition.

4 These ad-interim reliefs are necessary, since it is the Petitioner's case that in the original agreement between the parties, that is to say, the promoter of Respondent No.3 on one hand and the promoter of the Petitioner society on the other, direct lease in respect of the entire plot of land could be taken in favour of the Petitioner society. This contention appears to be *prima facie* correct and the matter requires consideration. In the meantime, the Petitioner's rights need to be protected by an appropriate interim injunction restraining renewal of the lease in respect of the plot of land described in prayer clause -(E) of the petition.

5 Learned Counsel for Respondent No.3 states that his client shall not take any coercive step for resumption of land or eviction of the Petitioner.

6 It is clarified that this order shall not come in the way of Respondent No.3 invoking the arbitration agreement forming part of the original development agreement between the parties.

7 At the request of learned Counsel for the Petitioner, hearing of the writ petition is expedited. The Petitioner will be at liberty to mention the matter in the first week of July 2018 for fixing the date of hearing of the petition.

(S.C. GUPTE, J.)