

ssp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12090 OF 2015

Narayan Wadhwani

...Petitioner

vs.

Ulhasnagar Municipal Corporation
and others

...Respondents

ALONG WITH
WRIT PETITION NO.12213 OF 2015
ALONG WITH
WRIT PETITION NO.12093 OF 2015
ALONG WITH
WRIT PETITION NO.12094 OF 2015
ALONG WITH
WRIT PETITION NO.12095 OF 2015
ALONG WITH
WRIT PETITION NO.12096 OF 2015
ALONG WITH
WRIT PETITION NO.12097 OF 2015
ALONG WITH
WRIT PETITION NO.12098 OF 2015
ALONG WITH
WRIT PETITION NO.12099 OF 2015
ALONG WITH
WRIT PETITION NO.12100 OF 2015
ALONG WITH
WRIT PETITION NO.12103 OF 2015
ALONG WITH
WRIT PETITION NO.12104 OF 2015
ALONG WITH
WRIT PETITION NO.12105 OF 2015
ALONG WITH
WRIT PETITION NO.12106 OF 2015
ALONG WITH
WRIT PETITION NO.12113 OF 2015
ALONG WITH
WRIT PETITION NO.12224 OF 2015
ALONG WITH
WRIT PETITION NO.12259 OF 2015
ALONG WITH
WRIT PETITION NO.12260 OF 2015
ALONG WITH
WRIT PETITION NO.12261 OF 2015
ALONG WITH
WRIT PETITION NO.12262 OF 2015
ALONG WITH

WRIT PETITION NO.12267 OF 2015
ALONG WITH
WRIT PETITION NO.12276 OF 2015

Mr.N.R.Bubna for the Petitioner in
W.P.Nos.12090/2015, 12094/2015, 12096/2015,
12098/2015, 12100/2015, 12104/2015, 12106/2015,
12224/2015, 12260/2015, 12262/2015
Mr.A.A.Kumbhakoni, Senior Advocate i/b J.S.Chandnani
for the petitioner in W.P.no.12213/2015
Mr.A.A.Kumbhakoni, Senior Advocate i/b Mr.N.R.Bubna
for the petitioner in W.P.No.12267/2015
Mr.N.V.Walawalkar, Senior Advocate i/b Mr.S.M.Kamble
for the respondent No.1 in W.P.Nos.12090/2015,
12094/2015, 12096/2015, 12098/2015, 12100/2015,
12104/2015, 12106/2015, 12224/2015, 12260/2015,
12262/2015
Ms M.P.Thakur, AGP for State

CORAM : A.S.OKA, &
G.S.PATEL, JJ.
DATE : DECEMBER 16, 2015

P.C.:

1 Heard the learned counsel for the petitioners. The learned senior counsel for Ulhasnagar Municipal Corporation has placed on record a copy of the Resolution No.60 dated 11th December 2015 passed by the General Body of the Ulhasnagar Municipal Corporation. He states that the said Resolution records that the persons whose structures have been demolished for widening of Kalyan-Ambernath Road will be rehabilitated in terms of the said Resolution. The Resolution provides that in case of the persons whose shops have been completely demolished, they will be allotted constructed shops admeasuring 10 feet X 20 feet. It also provides that in case of the persons whose houses were partly demolished or fully demolished, houses having

an area 200 sq ft each will be allotted to them by way of rehabilitation. He states that the structure subject matter of Writ petition No.12093 of 2015 has been partly demolished. This fact is accepted by the learned counsel for the petitioner in the said writ petition.

2 The learned senior counsel for the Ulhasnagar Municipal Corporation makes a further statement on instructions that before demolishing the structures subject matter of these writ petitions, due process of law will be followed by the Ulhasnagar Municipal Corporation. The learned senior counsel appearing for the petitioners in Writ Petition No.12213 of 2015 and 12267 of 2015 has made submissions on merits. He has, inter alia, contended that the structures subject matter of these two petitions are fully authorised.

3 Now, there is a statement made by the Ulhasnagar Municipal Corporation that no structures shall be demolished without following due process of law. It is obvious that the Ulhasnagar Municipal Corporation will give an opportunity of being heard to all the affected persons including the petitioners before passing an order of demolition of the structures for the purposes of widening of the Kalyan-Ambernath Road.

4 Hence, it is not necessary to consider the contentions raised by the petitioners on merits as the petitioners can always raise the said

contentions before the Ulhasnagar Municipal Corporation.

5 Hence, we dispose of the writ petitions by passing the following order:

- (I) A copy of Resolution No.60 dated 11th December 2015 is taken on record and marked 'X-1' for identification. The said copy shall remain on record of the Writ Petition No.12090 of 2015;
- (II) We accept the statement made by the learned senior counsel on behalf of the Ulhasnagar Municipal Corporation that due process of law will be followed before taking action of demolition in respect of the structures which are the subject matter of these petitions;
- (III) We make it clear that the order of demolition shall not be passed by the Ulhasnagar Municipal Corporation without giving an adequate opportunity of being heard to the petitioners as well as all to affected persons;
- (IV) In the cases where orders of demolition are passed by the Ulhasnagar Municipal Corporation, copies of the said orders shall be served to the petitioners at their addresses set out in the writ petitions;
- (V) The orders of demolition shall not be acted upon for a period of three weeks from the date on which the same are served upon the petitioners;
- (VI) All contentions raised by the petitioners on merits are kept open;

(VII) All parties to act upon an authenticated copy of the order.

(G.S.PATEL,J.)

(A.S.OKA,J.)