

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION ST. NO. 35691 OF 2015**

**IN**

**WRIT PETITION ST.NO.27834 OF 2015**

|                                    |                 |
|------------------------------------|-----------------|
| Pankaj Rajdev Vishwakarma & others | ... Applicants  |
| Versus                             |                 |
| The State of Maharashtra & Anr.    | ... Respondents |

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Mr. Saurabh D. Butala for applicants.  
Mrs. Vaishali Nimbalkar, AGP for respondent No.1.  
Shyamali Gadve i/b Little & Co. for respondent No.2/(MIDC).

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**CORAM: C. V. BHADANG, J.**  
**DATED : 1<sup>st</sup> JANUARY, 2016.**

PC:

1. Heard learned counsel for the applicants and learned counsel appearing for the MIDC.
2. Mr. S. S. Deshpande, Court Receiver is personally present before the Court.
3. The applicants are seeking extension of time to vacate their premises in pursuance of the order dated 10<sup>th</sup> December, 2015.

4. The prayer is opposed on behalf of respondent-corporation on the ground that the entire construction is illegal and unauthorized and is standing on the land belonging to the corporation. It is also submitted that the premises were earlier demolished. However, in spite of that the applicants / occupants were re-inducted after reconstruction. It is also pointed out that before the Division Bench, request was made to grant time upto February, 2016 which has not been considered.

5. The learned counsel for the applicants has pointed out the order dated 21<sup>st</sup> December, 2015 passed in C. A. No.3361 of 2015 in Writ Petition No.10414 of 2015 in which in similar circumstances, an order directing the Court Receiver, has been directed not to seek vacation of premises by any of the occupants, without giving 30 days' notice, was passed.

6. Although, learned counsel for the corporation has opposed the prayer for grant of extension, it is alternatively submitted that, in order to enable the regular Court to consider the application

and to enable the corporation to file a reply, the respondent is ready to stay its hands till 06/01/2016.

7. Considering the overall circumstances, I find that it would be appropriate that the application is placed before the regular Court on 07/01/2016. In the meantime, no coercive steps shall be taken against the applicants / occupants (who have filed undertaking in the main petitions) till 7<sup>th</sup> January, 2016.

**(C. V. BHADANG, J.)**