

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.672 OF 2016

IN

WRIT PETITION NO.1647 OF 2016

Zahir Inamullah Khan & Anr

.. Applicants

Versus

The Deputy Collector (Ench & Rem)

& Ors.

.. Respondents

WITH

CIVIL APPLICATION NO.673 OF 2016

IN

WRIT PETITION NO.7636 OF 2015

Sagir Ahmed Khan

.. Applicant

Versus

The Deputy Collector (Ench & Rem)

& Ors.

.. Respondents

WITH

CIVIL APPLICATION NO.674 OF 2016

IN

WRIT PETITION NO.7357 OF 2015

Abusalim Jalil Ahmed Khan

.. Applicant

Versus

The Deputy Collector (Ench & Rem)

& Ors.

.. Respondents

WITH

CIVIL APPLICATION NO.675 OF 2016

IN

WRIT PETITION NO.7356 OF 2015

Jalil Ahmed Khan

.. Applicant

Versus

The Deputy Collector (Ench & Rem)

& Ors.

.. Respondents

WITH

CIVIL APPLICATION NO.676 OF 2016

IN

WRIT PETITION NO.7358 OF 2015

Abdulla Jalil Ahmed Khan

.. Applicant

Versus

The Deputy Collector (Ench & Rem)

& Ors.

.. Respondents

WITH

CIVIL APPLICATION NO.677 OF 2016

IN

WRIT PETITION NO.7637 OF 2015

Mohammed Sakib Khan

.. Applicant

Versus

The Deputy Collector (Ench & Rem)

& Ors.

.. Respondents

Ms Shabana P Sothe for the Applicants

Mr. S. D. Rayrikar AGP for the Respondent No.1

Mr. Yashdeep Deshmukh a/w Mr. Mahesh Mishra i/b Mr. Ravi
Thankaian for the Respondent No.2

CORAM : R.M. SAVANT, J.

DATE : 11th MARCH 2016

PC.

1. Not on board. Mentioned for extension of time.
2. The above Civil Applications have been filed by the Applicants/original Petitioners seeking extension of time to vacate the suit structures in question. The Petitions filed by the above named Applicants were dismissed by a Learned Single Judge of this Court by order dated 10.02.2016. However, since the Applicants had sought four weeks time to vacate the suit structures on the ground that they are carrying on bakery business therefrom. The Learned Single Judge has granted them the said time on the usual undertaking filed by them in this Court. However, prior thereto it has been observed by the Learned Single Judge in paragraph 3 that the Applicants had made a statement on 10.03.2015 before the Competent Authority that they would vacate the suit structures on 11.03.2015 by 3.00 p.m. It is further recorded in the said paragraph 3 that it was the case of the Respondent No.2 developer that the entire project is held up and the Respondent No.2 is prejudiced in as much as it is making rent payments to several slum dwellers who have already vacated their premises.

3. In terms of the directions as contained in clause (4) of the said order dated 10.02.2016, the Applicants have filed their undertaking on 16.02.2016 copies of which have also been furnished to

the Learned Counsel appearing for the Respondent No.2.

4. The Civil Applications are filed on the ground that the Applicants have not been able to find suitable alternate premises in the vicinity and therefore required some more time to vacate the suit structures. The said relief is sought to be opposed on behalf of the Respondent No.2 by drawing this Court's attentions to the order dated 10.02.2016, as also the fact that before the Competent Authority a statement was made on behalf of the Petitioners that they would vacate the suit structures on 11.03.2015. In my view, it would be just and proper having regard to the fact that the period of four weeks is coming to an end today, to extend the time so as to facilitate the Applicants to vacate the suit structures. Hence, the time to vacate the suit structures is extended up to 31.03.2016. No further extension would be applied for nor granted. If the Applicants do not vacate the suit structures by 31.03.2016 then the authorities would be free to execute the orders. The said extension is granted on the condition that the Applicants file undertakings to the said effect in this Court on or before 18.03.2016. If the undertakings are not filed, then benefit of this order would not enure the Applicants and the Authorities would then be free to proceed against the Applicants to remove them from the suit structures.

[R.M. SAVANT, J]