

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6362 OF 2016

Kumari Sunita Mewalal Shah	Petitioner
V/s.	
Additional Collector (E & R) and Ors.	Respondents

ALONGWITH
WRIT PETITION NO. 6827 OF 2016
ALONGWITH
WRIT PETITION NO. 7236 OF 2016

Shri. Sudhendu Mewalal Shah	Petitioner
V/s.	
Additional Collector (E & R) and Ors.	Respondents

ALONGWITH
WRIT PETITION NO. 7229 OF 2016
ALONGWITH
WRIT PETITION NO. 7234 OF 2016
ALONGWITH
WRIT PETITION NO. 7237 OF 2016

Shri. Mewalal Hiralal Shah	Petitioner
V/s.	
Additional Collector (E & R) and Ors.	Respondents

ALONGWITH
CIVIL APPLICATION NO. 2146 OF 2016
IN
WRIT PETITION NO. 7237 OF 2016

Mewalal Hiralal Shah	Applicant
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V/s.
1. Additional Collector (E & R)
and Ors.

.....Respondents

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Mr. M.D. Pokale i/by. Mr. S.M. Shah, Advocate for the petitioner in WP-6362-2016, WP-6827-2016, WP-7229-2016, WP-7234-2016, WP-7237-2016.

Mr. Sudhendu M. Shah, petitioner in person in WP-7236-2016.

Ms. Vaishali Nimbalkar, AGP for State.

Mr. Sanjay Jain a/w. Ms. Swapna Roopvate i/by. Mr. Tushar Goradia, Advocate for respondent no.4.

Mr. Girish D. Utangale i/by. Utangale & Co., Advocate for respondent no.7, MHADA in WP-6362-2016.

Mr. Vinod Mahadik, Advocate for respondents no.2 and 3.

CORAM :- SMT. R.P. SONDURBALDOTA, J.

DATED :- 8TH AUGUST, 2016.

P.C. :-

1). These petitions have been placed on the board for directions at the instance of respondent no.4.

2). The above petitions were disposed off by a common order on 29th June, 2016 on the basis of the statement made by Mr. Godbole, on instructions from the Advocate on record. The

statement was made that, the petitioners in all the petitions shall vacate their respective structures and also remove the same from the site on/or before 10th August, 2016. In view of the statement, the petitioners were directed to file, on/or before 5th July, 2016, undertakings in writing to that effect and the writ petitions disposed off in terms of the statement. It was understood that, in view of the statement, until 10th August, 2016 the respondents would not take any steps for eviction of the petitioners.

3). Mr. Jain, the learned Advocate appearing for respondent no.4 complains that, the petitioners have not complied with the direction of filing written Undertaking in the Court. Today, Mr. Shah, the Advocate on record in all the petitions appears in person for himself in Writ Petition No. 6827 of 2016 and Writ Petition No. 7236 of 2016. He has engaged Mr. M.D. Pokale as a Counsel for his father and sister who are the petitioners in Writ Petition No.7229 of 2016, Writ Petition No. 7234 of 2016 and Writ Petition No.7237 of 2016 and Writ Petition No. 6362 of 2016 respectively. Mr. Shah, claims to have filed an Undertaking on behalf of himself, his father and his sister on 5th July, 2016 stating that all the petitioners would vacate their respective premises on 10th August, 2016. Mr. Pokale, states that the father and sister of Mr. Shah, have taken out Civil Applications seeking certain directions, claiming that they had not instructed Mr. Shah to withdraw the petitions. There is, however, no prayer in the Civil Applications that they had not instructed their Advocate on record to withdraw the petitions. There is, however, no prayer in the Civil Application for recalling of the order dated 29th

June, 2016. In the circumstances, Mr. Jain submits that the petitioners in all the above petitions had no intention, even on 29th June, 2006 to abide by the statement made on their behalf and that the statement was made only for the purpose of delaying their eviction from their respective premises in the process of redevelopment. I find substance in the submission of Mr. Jain and at his request it is clarified that, no protection is now available to the petitioners under the order dated 29th June, 2016. The respondents are at liberty to take steps for eviction in accordance with law.

4). The Civil Application is adjourned for filing reply to 19th August, 2016.

(SMT. R.P. SONDURBALDOTA, J)