

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1249 OF 2016
IN
WRIT PETITION NO.2632 OF 2016

Narayan Dwarkanath Mhatre		Applicant
<i>Versus</i>		
The State of Maharashtra & Ors.		Respondents

ALONG WITH

CIVIL APPLICATION NO.1250 OF 2016
IN
WRIT PETITION NO.2693 OF 2016

Laxmi Ashok Sawant		Applicant
<i>Versus</i>		
The State of Maharashtra & Ors.		Respondents

ALONG WITH

CIVIL APPLICATION NO.1251 OF 2016
IN
WRIT PETITION NO.2634 OF 2016

Gangaram Devji Patole		Applicant
<i>Versus</i>		
The State of Maharashtra & Ors.		Respondents

ALONG WITH

CIVIL APPLICATION NO.1253 OF 2016
IN
WRIT PETITION NO.2635 OF 2016

Dnyaneshwar Raghunath Koli		Applicant
<i>Versus</i>		
The State of Maharashtra & Ors.		Respondents

ALONG WITH
CIVIL APPLICATION NO.1254 OF 2016
IN
WRIT PETITION NO.2636 OF 2016

Tukaram Damodar Tandel		Applicant
<i>Versus</i>		
The State of Maharashtra & Ors.		Respondents

ALONG WITH
CIVIL APPLICATION NO.1255 OF 2016
IN
WRIT PETITION NO.2637 OF 2016

Sunanda Kashinath Shivkar		Applicant
<i>Versus</i>		
The State of Maharashtra & Ors.		Respondents

ALONG WITH
CIVIL APPLICATION NO.1257 OF 2016
IN
WRIT PETITION NO.2638 OF 2016

Janardan Shankar Koli		Applicant
<i>Versus</i>		
The State of Maharashtra & Ors.		Respondents

ALONG WITH
CIVIL APPLICATION NO.1259 OF 2016
IN
WRIT PETITION NO.2639 OF 2016

Geetabai Ramesh Tandel		Applicant
<i>Versus</i>		
The State of Maharashtra & Ors.		Respondents

ALONG WITH
CIVIL APPLICATION NO.1260 OF 2016
IN
WRIT PETITION NO.2640 OF 2016

Parvati P. Shivkar		Applicant
<i>Versus</i>		
The State of Maharashtra & Ors.		Respondents

ALONG WITH
CIVIL APPLICATION NO.1261 OF 2016
IN
WRIT PETITION NO.2651 OF 2016

Jayashree Shridhar Kadam		Applicant
<i>Versus</i>		
The State of Maharashtra & Ors.		Respondents

ALONG WITH
CIVIL APPLICATION NO.1262 OF 2016
IN
WRIT PETITION NO.2664 OF 2016

Sunil Gosavi		Applicant
<i>Versus</i>		
The State of Maharashtra & Ors.		Respondents

Mr. U.R. Warunjikar, a/w. Mr. B.R. Deshmukh, for
the Applicants in all Civil Applications.

Mr. P.K. Sawant, A.G.P., for Respondent No.1-
State in all Civil Applications.

Mrs. M.R. Bhoir for Respondent Nos.3 and 4 in
all Civil Applications.

Mr. Pravin Samdhani, Sr. Advocate, a/w.
Mr. Nitesh Ranavat and Mr. Abir P., i/by

M/s. Wadia Ghandy & Co., for Respondent No.5
in all Civil Applications.

Mr. Mahesh Mahale, i/by M/s. Ganesh & Co., for
Respondent No.6 in all Civil Applications.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 25TH MAY 2016.
[VACATION COURT]

P.C. :

1. In pursuance of the order passed by this Court on 18th March 2016, the Applicants were supposed to vacate the structures latest by 30th April 2016 and to file undertaking to that effect within two weeks from the said date.

2. It appears that no such undertaking was filed, nor the structures were vacated. Hence, as per the order passed by this Court on 2nd May 2016, 11 Demand Drafts of Rs.3,60,000/- each being handed over, this Court has shown some indulgence to the Applicants-Petitioners and they were directed to vacate the structures upto 20th May 2016. Further, they were directed to file undertaking in the Court within one week from the date, failing which the Respondents were free to proceed against such of the Applicants-Petitioners, who do not file such an undertaking, in accordance with law.

3. It is the matter of record that till today the undertaking is not filed on record. It is also, therefore, the matter of record that twice the time was extended for vacating the structures. In such situation, there arises no question of extending time further by eight weeks or upto 15th June 2016, as sought by learned counsel for the Applicants-Petitioners.

4. However, learned counsel for Respondent No.5 has again shown some indulgence and submits that, if learned counsel for the Applicants-Petitioners gives oral undertaking that the Applicants-Petitioners will vacate the structures before 30th May 2016, this Court may extend the time till then. Learned counsel for the Applicants-Petitioners, on instructions, submits that, if time is given upto 5th June 2016, the Applicants-Petitioners will vacate the structures by that time and they will file undertaking to that effect tomorrow i.e. on 26th May 2016.

5. Hence, upon recording the oral undertaking given by the learned counsel for the Applicants-Petitioners, on behalf of the Applicants-Petitioners, the time for vacating the structures is extended upto 5th June 2016, subject, of-course, to the written undertaking to that effect, to be filed by the Applicants-Petitioners latest by tomorrow i.e. 26th May 2016.

6. It is further clarified that, if by tomorrow, i.e. 26th May 2016, the

written undertaking is not filed by the Applicants-Petitioners, the concerned authorities are at liberty to proceed against the Applicants-Petitioners.

7. All the Civil Applications stand disposed of in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]