

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2453 OF 2016
IN
CIVIL WRIT PETITION NO.10823 OF 2015

Rakesh Ramesh Khamkar & Ors.	 Applicants
IN THE MATTER BETWEEN	
Rakesh Ramesh Khamkar & Ors.	 Petitioners
V/s	
The State of Maharashtra & Ors.	 Respondents

Mr. Saurabh D. Butala i/b Mr. Harshad Bhadbhade for the Applicants (Petitioners in WPs).

Mr. A.B. Vagyani, G.P. a/w Mr. P.G. Sawant, AGP for the Respondent No.1/State.

Mr. Gopal Krishna S. Hegde for the Respondent No.2.

Dr. M.S. Deshpande, Court Receiver, High Court, Bombay/Respondent No.3.

CORAM : A.S. OKA &
A.A. SAYED, JJ.
DATED : 19 SEPTEMBER 2016

ORDER:

- 1 Not on board. Taken on board.
- 2 The order dated 10 December 2015 passed in Civil Writ Petition No.10823 of 2015 is based on unconditional Undertaking given by the Applicants. The Applicants/Petitioners accepted that they are occupying the flats which are in a building which is completely illegal. They gave Undertaking to vacate for the purpose of demolition. As per the Undertaking, they were required to vacate by 31 December 2015. Additional time granted to the Applicants/Petitioners to vacate the premise in terms of the unconditional Undertaking has also expired. The

Applicants/Petitioners cannot rely upon a new policy framed by the State Government for regularization as they have given unconditional Undertakings to vacate. Therefore, relief claimed in this Application cannot be granted. However, only with a view to enable the Applicants/Petitioners to challenge the order passed in Writ Petition, we direct the Court Receiver, High Court, Bombay, not to take any further steps for a period of four weeks from today. Subject to the above directions, the Application is rejected.

(A.A. SAYED, J.)

(A.S. OKA, J.)

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