

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12534 OF 2015**

Shri Vinod Ashok Gaikwad & Ors. ...Petitioners

Versus

City and Industrial Development
Corporation of Maharashtra Ltd. &
Ors. ...Respondents

...

Mr. Rajesh S. Patil for the Petitioners.
Mr. B.B. Sharma for Respondent Nos.1 to 3.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATE : 23rd JUNE, 2016.

P. C. :

Heard the learned counsel appearing for the respective parties.

2. On 15.12.2015, the Division Bench of this Court (Coram: A.S. Oka and G.S. Patel, JJ.) passed the following order:

“2. The learned counsel appearing for the Petitioner states that the Petitioners are willing to give an unconditional undertaking that in the event the application made by them for regularization of the structure, subject matter of the notice is rejected by the Planning Authority,

within the time specified by this Court, they will unconditionally hand over the possession of the structure in their respective possession to the Planning Authority. He states that such undertakings will be filed by the Petitioners within a period of two days from today.”

3. Mr. Suryakant Rangnath Rathod, Assistant Controller of Unauthorized Construction on behalf of Respondent No.1 has filed affidavit dated 21st June, 2016. In para 17 of the said affidavit he has stated that ad-interim relief was granted in favour of the Petitioners on 15.12.2015 in view of unconditional undertaking given by him that if the regularization application made by him is rejected by CIDCO, he would hand over the notice structure to CIDCO. He has further stated that the Petitioners had made an application for regularization on 14.12.2015 and same has been rejected on 1.3.2016. He has submitted that the copy of the said order is already sent to the Petitioner by speed post. He has placed on record copy of the said order at Exh.4 and copy of the receipt of speed post at Exh.5.

4. Since the regularization application filed by the Petitioners has already been rejected and in view of the unconditional undertaking given by the Petitioners, we dispose of this writ petition with direction

to the Petitioners to handover the possession of structure in question to the Respondent No.1- planning authority forthwith for the purpose of demolition.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)