

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

APPEAL FROM ORDER NO.199 OF 2016

The Maharashtra Housing and Area
Development Board

.. Appellant

Vs.

Dayanath S. Mishra & Ors.

.. Respondents

Ms.Sharmila Deshmukh for the appellant.

Mr.Gajanan Savagave a/w Mr.Abhiman Patil a/w Mr.B.N. Shukla for
the respondent no.1.

CORAM : R.D. DHANUKA, J.

DATE : 30th March 2016

P.C.

. Learned counsel appearing for the respondent no.1, on instructions from his client who is present in Court, states that his client would vacate the suit premises within one week from the date of receiving allotment letter from MHADA providing transit camp accommodation which shall remain in his possession till obtaining an order from the appropriate Court declaring his alleged tenancy in respect of the suit premises and if permanent alternate accommodation would be offered after obtaining such order of declaration from the appropriate Court. Statement is accepted.

2. Learned counsel appearing for MHADA states that the MHADA would issue a letter of allotment of transit camp accommodation to the respondent no.1 within a week from today and subject to the outcome of the proceedings, if any, filed by the respondent no.1 for declaring his alleged tenancy in respect of the suit premises would allot permanent alternate accommodation. Statement is accepted.

3. It is made clear that if within one week from the date of MHADA serving a copy of letter of allotment in respect of the transit camp accommodation to the respondent no.1, if he does not vacate the suit premises, the MHADA would be at liberty to take forcible possession from such tenant and if necessary, with the assistance of police. It is made clear that the MHADA would be at liberty to allot a residential premises to the respondent no.1 in so far as transit camp accommodation is concerned and in so far as permanent alternate accommodation is concerned.

4. Appeal from order is disposed of in aforesaid terms. No order as to costs. In view of disposal of the appeal from order, civil applications, if any, filed by the appellants do not survive and are accordingly disposed of.

5. The parties to act on the authenticated copy of this order.

R.D. DHANUKA, J.