

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 956 OF 2014
WITH
WRIT PETITION NO. 1249 OF 2014**

Reliance Infrastructure Limited & Anr.	...Petitioners
<i>Versus</i>	
Airports Authority Of India & 2 Ors.	...Respondents

Ms. Anjali Chandurkar, *with M.Jr. Paresh Patkar, i/b M/s. Mulla & Mulla & C.B.C., for the Petitioners in both Petitions.*
Ms. Shilpa Kapil, *fo the Respondent No. 1 in both Petitions.*
Mr. Farid Karachiwala, *a/w Ms. Shoma Maitra, i/b M/s. Wadia Ghandy & Co., for the Respondent No. 2 in both Petitions.*

**CORAM: S.C. DHARMADHIKARI &
G.S. PATEL, JJ.**
DATED: 4th March 2016

PC:-

1. This Writ Petition under Article 226 of the Constitution of India seeks to quash and set aside (i) the letter dated 11/12.09.2013 (Exhibit "I") issued by the 1st Respondent purporting to terminate the lease of the 1st Petitioners herein; and (ii) the eviction proceedings instituted by the 1st Respondent bearing E.O. Case No. 1 of 2014 including the Notice dated 27.01.2014 (Exhibit "M") issued by the 3rd Respondent.

2. After the Writ Petition was argued for some time earlier and we recorded the essential agreement of the Petitioner to shift the sub-station to any location, what we find is that the locations having been identified, time is required to carry out the actual shifting. For that Ms. Chandurkar, learned Advocate appearing for the Petitioner, would submit that the eviction proceedings be held in abeyance.

3. If such proceedings continue and eviction order is passed therein, that would complicate the matter, for none disputes that the relocated sites are not such as necessarily affect the operations of the Respondents. Therefore, two locations which are identified are as under:

"2. In terms of Settlement arrived at, the Petitioners in Writ Petition No. 956 of 2014 agree to relocate from land admeasuring 5000 sq. mtrs. Bearing CTS No. 145/3 and having old Survey No. 8B Hissa No. 1 Part 2 Part and 3 Part, Survey No. 95 hissa number 1 part, 2 part and 3 part, Survey No. 128, survey number 129 part and survey number 131 part of Village Sahar ("**Existing Sahar Location**") to land admeasuring 5000 sq. mtrs. Bearing CTS No. 145/A and having old Survey No. 25 Hissa No. 1 part and survey No. 94 Hissa No. 4 Part 5 part and 8 part of Village Sahar ("**New Sahar Location**".)

3. Also, the Petitioners in Writ Petition No. 1249 of 2014 agreed to relocate from land admeasuring 2185 sq.

mtrs bearing CTS No. 2085 and having old Survey No. 258 Hissa No. 1 Part and 3 Part of Village Vile Parle (**"Existing Vile Parle Location"**) to land admeasuring 2185 sq. mtrs. bearing CTS No. 2085 Part and having old Survey No. 96 Hissa No. 1 part, 2 part, 3 part, 7 part, 8 part, 12 part, 14 part and 15 part of Village Vile Parle (**"New Vile Parle Location"**).

4. In light of the fact that Mumbai International Airport Private Limited (**"MIAL"**) is agreeable to time being granted to the Petitioner to carry out the actual shifting and having verified the locations as not affecting presently the operations of MIAL, we grant the time as prayed by Ms. Chandurkar. We direct that the Eviction Application No. 1 of 2014 and Eviction Application No. 2 of 2014, and interim proceedings in these eviction proceedings shall stand stayed and shall not be taken up or continued till 30th September 2016.

5. The Writ Petitions are disposed of in these terms by clarifying that in the light of the above limited request of the Petitioner, all other aspects and issues raised in the Petition need not be examined.

(G. S. PATEL, J.)

(S. C. DHARMADHIKARI, J.)