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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5646 OF 2016**

Priyadarshani Madhya Railway Vyaparanstha	... Petitioner
Vs.	
The State of Maharashtra and Anr.	... Respondents

Mr. Saurabh Butala i/by Mr. Harshad Bhadbhade for the Petitioner.
Mr. A.A. Aalaspurkar, AGP for the Respondent No.1.
Mr. Shekhar Jagtap i/by J. Shekhar & Co. for the Respondent No.2.

**CORAM : A.S. OKA &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 10th JULY, 2017

PC.

1 The learned counsel appearing for the petitioner states that by a letter dated 4th January, 2017 the petitioner had made certain queries to the Commissioner of the Thane Municipal Corporation. A copy of the said letter is placed on record and marked 'X-2' for identification. He states that by a reply dated 5th January, 2017 the queries have been answered. The said reply issued by the Executive Engineer, Special Project, Public Works Department of the Thane Municipal Corporation specifically records that the reply has been issued with the consent of the Municipal Commissioner. The said reply is taken on record and marked 'X-3' for identification. The learned

counsel appearing for the petitioner states that the terms and conditions which are stated in the said reply dated 5th January, 2017 (marked as 'X-3') are acceptable to the petitioner and its members.

2 We find that the reply dated 5th January, 2017 has been issued by the Executive Engineer with the express consent of the Municipal Commissioner. Therefore, the Municipal Corporation is bound by what is stated in the letter dated 5th January, 2017. The learned counsel appearing for the Municipal Corporation has placed on record a letter dated 12th January, 2017 which is taken on record and marked 'X-4' for identification. The same clarifies the terms and conditions set out in the letter dated 5th January, 2017 (marked as 'X-3'). Even this letter has been issued with the express consent of the Municipal Commissioner and therefore, contents of this letter are binding on the Municipal Commissioner.

3 Accordingly, we accept the statements made in the letter dated 5th January, 2017. By accepting the statement of the learned counsel appearing for the petitioner that the petitioner and its members are satisfied with the terms and conditions incorporated in the said letter, we dispose of this Petition. In the event of the failure of the Municipal Corporation to abide by the said terms and conditions, we

grant liberty to the petitioner to take out appropriate proceedings in accordance with law.

4 The learned counsel appearing for the petitioner states that for a reasonable time, ad-interim order passed by this Court on 13th May, 2016 be continued to enable the members of the petitioner to vacate the premises in their respective possession. The learned counsel appearing for the Municipal Corporation submitted that the process is already delayed and in normal course, construction of the new building would have been substantially completed.

5 Accordingly, we direct that notwithstanding the disposal of the Petition, ad-interim relief granted on 13th May, 2016 shall continue to operate till 31st October, 2017. We make it clear that this order will not prevent individual Gala holders from vacating their respective premises earlier. We make it clear that no further time shall be granted.

(SMT. VIBHA KANKANWADI, J)

(A.S. OKA, J)