

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

WRIT PETITION NO.5913 OF 2015

Sahyadri Gale Dharak Sangh Mahabaleshwar
Through its Secretary
Shri. Taufiq Harun Rashid Patwekar ...Petitioner

Versus

Babubhai Construction Limited
Engineers & Contractors & Anr. ...Respondents

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Mr.Vijay Patil i/b. Mr. B.A.Lawate for the Petitioner.
Mr.Dilip Bodake a/w. Mr.S.T.Bhosale for Respondent No.2.
Mr.Suresh Rajeshwar for Respondent No.1.
Mr.Taufiq H.R.Patwekar, Secretary of Sahyadri Gale Dharak Sangh,
Mahabaleshwar-present.
Mrs.Asha Sampat Raut, Ex-CEO of Mahabaleshwar Giristhan Nagar
Parishad-present.
Ms.Amita Dagade-Pati, CEO of Mahabaleshwar Giristhan Nagar
Parishad -present.

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**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: JULY 12, 2017**

P.C. :

1. Rule. Rule made returnable forthwith. By consent, petition is heard finally and disposed of the stage of admission.
2. This petition is directed against the order dated 10.03.2015 passed by the learned District Judge-4, Satara in Special Darkhast No. 19 of 2012 thereby rejecting the application filed by the petitioner for impleading them as an intervenor /third party.

3. An agreement dated 29.11.2007 was executed between the Municipal Council and respondent no.1-contractor in respect of demolition of the old market and the construction of new market on BOT basis. Pursuant to the said agreement, further proceedings' viz. Arbitration Proceedings were conducted and an Award was passed in favour of respondent no.1-contractor. The said award was finally confirmed by the Supreme Court. Pursuant to the said Award, the execution proceeding was taken out by respondent no.1-contractor. In that Darkhast Proceeding, the petitioner (Association), who are 37 gala holders in the old building had filed an application for impleading them as a party. While dealing with the matter, this Court by way of indulgence, vide order dated 25.10.2015 directed to shift 37 gala holders in temporary sheds to enable respondent no.1/decree holder to proceed with the work. The specific directions were given in the said order about the temporary construction of all stalls for 37 gala holders. Accordingly, a statement was made and undertaking was given by the Municipal Council.

4. Today, Ms. Amita Dagade- Patil, CEO of Mahabaleshwar Giristhan Nagar Parishad and Sou. Asha Sampat Raut have filed affidavits informing that temporary 27 sheds are constructed and 27

gala holders, who were occupying the old market now shifted to temporary sheds and other 10 gala holders have made their own arrangement. Now, the market is vacated by the petitioner (Association). The said affidavits are taken on record and marked at **Exhibit-1** and **Exhibit -2**.

5. The learned counsel for the Municipal Council has confirmed that the Municipal Council has vacated the structure and 27 gala holders have shifted from the old market to temporary sheds, which were constructed by the Municipal Council.

6. The learned counsel for respondent no.1 may pursue the execution proceedings.

7. In view of the above, nothing survives in this Petition. Hence, Writ Petition is disposed of accordingly.

(MRIDULA BHATKAR, J.)