

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

WRIT PETITION NO.11398 OF 2017

Jawahar Jyoti Cooperative
Housing Society Ltd.

... Petitioner.

Versus

Thane Municipal Corporation

... Respondent.

....

Mr. Nitin Gangal for the Petitioner.
Mr. N.R. Bubna for Respondent No.1.

....

***CORAM : Smt.Vasanti A Naik &
Riyaz I. Chagla, JJ.***

DATE : 10th October, 2017.

P.C. :

Not on board. Taken on Board.

By this writ petition, the petitioner challenges the notice dated 25.09.2017 issued by the Corporation under the provisions of section 268(1)(c) of the Maharashtra Municipal Corporation Act.

The learned counsel fairly states that though the petitioner had challenged the said notice, the members of the petitioner have decided not to challenge the same and instead seek time to vacate the premises. The learned counsel seeks six months time for

vacating the premises. It is stated that an undertaking would be furnished by all the members of the society that they would vacate the premises within six months.

Shri Bubna, the learned counsel for the Corporation states that this Court may not grant six months time to the members of the society to vacate the premises as the building is in dilapidated condition. The learned counsel stated that an appropriate order may be passed in the circumstances of the case.

Considering the fact that the petitioner is not desirous of challenging the notice dated 25.09.2017 and the members of the petitioner-society are desirous of vacating the premises and have sought some time for searching alternate accommodation before vacating the premises, in the circumstances of the case and in the interest of the justice, four months time could be granted to the petitioner to vacate the premises. The members of the petitioner-society could occupy the premises for the period of four months at their risk. The members of the petitioner-society should furnish an undertaking within three weeks that they would vacate the premises within four months from the date of this order and they would occupy the premises at their risk. If the members of the petitioner society fail to tender the undertaking, the petition would be deemed to have been dismissed.

Hence, we dispose of the writ petition with a direction against the Corporation not to take any coercive steps against the petitioner for a period of four months, if the members of the petitioner-society furnish an undertaking in this Court within three

weeks that they would vacate the premises within four months from the date of this order and they would reside in the said building for four months at their risk. Order accordingly. No costs.

(Riyaz I. Chagla J)

(Smt.Vasanti A Naik, J)