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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1403 OF 2014**

Bipin Chandulal Sodha

..... Petitioner.

V/s

Municipal Corporation of Greater Mumbai
and Others

..... Respondents.

Mr. R.P. Ojha i/b Mr. Ramanuj S. Upadhyay for the Petitioner.

Mr. J. Reis, Senior Counsel a/w Ms. Geeta Jogalekar for Respondent
Nos. 1 and 2 – MCGM.

Mr. Amit S. Potnis i/b M/s. Tamhane and Company for Respondent
Nos. 3 and 4.

**CORAM: B. R. GAVAI &
M.S. KARNIK, JJ.**

DATE: 4th September, 2017

P.C.:-

1] Petitioner has approached this Court praying for an order, restraining Respondent Nos. 1 and 2 from proceeding further for demolition of the shop structure admeasuring 308 sq. ft. and for directions to Respondent Nos. 3 and 4 to provide an alternative accommodation in newly constructed building.

2] From the perusal of record, it reveals that part of the Petitioner's structure is required to be demolished for the purpose of road

widening and in lieu thereof the Petitioner has already been offered an alternative premises on the same road.

3] Perusal of the Order dated 24/7/2012 would reveal that this Court had recorded the statement of the Corporation as well as Respondent Nos. 3 and 4 and had adjourned the matter so as to enable the learned Counsel for the Petitioner to take instructions.

4] Today, when the matter is called out, the Counsel appearing for the Corporation states that the area of only 21.8 sq. meters of the Petitioner's premises is affected in the road widening and even after demolition of that area, an area admeasuring 62 sq. ft. is available to the Petitioner. In addition thereto, Petitioner is already offered the alternative premises which is having an area of 300 sq.ft. built up. We record the statement made on behalf of the Corporation.

5] Petitioner would be at liberty to take possession of the alternative premises allotted to him.

6] Petition is disposed of in the aforesaid terms.

(M. S. KARNIK, J.)

(B. R. GAVAI, J.)