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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2652 OF 2015

Cancer Aid & Research Foundation ...Petitioner
vs.
Deputy Commissioner (Education),
Brihanmumbai Municipal Corporation
and others ...Respondents

Mr.Owasis A. Pechkar for the Petitioner
Ms Pallavi Thakar for the respondents

CORAM : A.S.OKA, &
M.S.SONAK, JJ.
DATE : DECEMBER 15, 2017

P.C.:

1 Heard the learned counsel for the petitioner. His submission is that the petitioner has been in possession of five rooms in the Municipal School Building for continuing their activities which include counseling and providing medical treatment to cancer patients as well as reimbursing cancer treatment expenses to the ailing patients. He states that other premises of the building in question have been permitted to be occupied by other non Government organizations. He states that the petitioner will make an application to the respondents within a period of one month from today for granting permission to the petitioner to occupy the same premises on appropriate terms and conditions. We accept the said statement.

2 In view of this statement, we need not keep the petition pending. Hence, we dispose of the Writ petition by passing the following order:

(I) We direct the petitioner to make a representation as aforesaid within a period of one month from today;

(II) The representation shall be considered by the Municipal Commissioner or the appropriate Authority appointed by the Municipal Commissioner within a period of three months from the date on which the representation is made;

(III) The order passed on the representation shall be communicated to the petitioner within a period of 15 days from the date of passing the same;

(IV) Till the date of communication of the order to the petitioner, action of eviction shall not be taken against the petitioner;

(V) If representation made by the petitioner is rejected, we direct that the aforesaid protection shall continue to operate for a period of one month from the date on which order is communicated to the petitioner. In such event, the petitioner is at liberty to file appropriate proceedings in accordance with law;

(VI) Writ petition is disposed of on above terms.

(M.S.SONAK,J.)

(A.S.OKA,J.)