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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.161 OF 2016
IN
WRIT PETITION NO.1677 OF 2016**

M/s. J. Gala Enterprises & Anr.

... Petitioners

Vs.

MCGM & Ors.

... Respondents

Mr. Mayur Khandeparkar a/w Mr. Sanjay Kadam, Ms. Apeksha Sharma, Mr. Sanjeel Kadam, Ms. Sayalee Rajpurkar i/by M/s. Kadam & Co., for the Petitioners.

Mr. Y.E. Mooman i/by Ms. Manisha B. Gawde for the Respondent.

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

DATE : 12th JUNE, 2017

PC.

1 Heard the learned counsel appearing for the applicants in support of Chamber Summons and the learned counsel appearing for the Writ Petitioners. We have also heard the learned counsel appearing for the Respondent Nos.1 to 7 in the Chamber Summons. It is not in dispute that the names of the applicants in the Chamber Summons appear in the list of 42 persons appended to the undertaking of the Writ Petitioners given to the Municipal Commissioner (Exhibit – G to the Petition). The prayer made in the Writ Petition is for issuing a writ of

mandamus directing the removal of structures which are set out in the Writ Petition. Therefore, the applicants appear to be proper parties to the Writ Petition. The learned counsel appearing for the Writ Petitioners submits that the applicants are not entitled to rehabilitation. However, at the stage of deciding the Chamber Summons, we need not go into the said question as it remains open in the main Writ Petition. Accordingly, the Chamber Summons is made absolute in terms of prayer clause (a). Amendment shall be carried out by the Writ Petitioners to the Writ Petition within a period of two weeks from the date on which this order is uploaded.

2 Advocate on record for the applicants takes notice of the Writ Petition.

3 Place the Writ Petition under the caption of “Fresh Admission” on 17th July, 2017. If any action of eviction is taken by the Municipal Authorities against the present applicants, they are free to challenge the same in accordance with law.

(SMT. VIBHA KANKANWADI, J)

(A.S. OKA, J)