

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2086 OF 2016

Mahatma Gandhi Memorial Hospital ... Petitioner.

Versus

Mumbai Corporation of
Greater Mumbai ... Respondents.

WITH

WRIT PETITION NO.484 OF 2016

Mr. Kiran Shantaram
and another ... Petitioners.

Versus

The Municipal Corporation of
Greater Mumbai and others Respondents.

• • • •

Ms. Neeta S. Mandhyan for the Petitioner in WP No.2086/2016.
Ms. Sneha Phene i/b. Gireesh V.G. menon for the Petitioner in WP No.484/2016.
Ms. Vrushali L. Maindad i/b. A.A. Desai for Respondent No.5 in WP 484/2016.
Mr. J. Reis a/w Ms. Pallavi Thakar for Respondent MCGM.
Mr. Abhay L. Patki, Additional G.P. for State.
Mr. P.M. Palshikar for Respondent No.7 in WP No.484/2016.
Mr. J.G. Aradwad (Reddy) for Respondent No.6 In WP No.484/2016.
Mr. Rakesh L. Singh i/b. M.V. Kini & Co. for Respondent No.2 in WP No.484/2016.

• • • •

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

DATE : 3rd October, 2017.

P.C.:

The Writ Petitions are disposed of on the following terms with the consent of the learned Counsel for the parties:-

1. The petitioner in Writ Petition No.2086 of 2016-Mahatma Gandhi Memorial Hospital would hand over the strip of land, 10 ft. in width to the Mumbai Municipal Corporation for widening of the Rajkamal Lane in Lower Parel, of which the proposal was finalized, within two weeks.
2. The Mumbai Municipal Corporation would utilize the land that would be handed over to the Corporation by the petitioner in Writ Petition No.2086/2016, immediately and the road widening work would be commenced within a short time from the date on which the possession of land 10 ft. in width, is delivered by the petitioner in Writ Petition No.2086/2016 to the Corporation.
3. The Corporation would apply within a period of four weeks to the State Government for releasing additional 10 ft. width land, so that the petitioner in Writ Petition No.2086/2016 could hand over the same to the Corporation, if the State Government accepts the proposal.
4. If the State Government accepts the proposal so made by the Corporation, the petitioner in Writ Petition No.2086/2016 would hand over the remaining piece of land to the Corporation within four weeks from the date on which the proposal is accepted by the State Government.

5. If the proposal is forwarded by the Corporation to the State Government, the State Government should decide the same within eight weeks from the date of receipt of the same.

6. If the State Government grants permission to the petitioner in Writ Petition No.2086/2016 to part with the additional land admeasuring 10 ft. in width, the Municipal Corporation should immediately utilize the said land for the widening of the road i.e. Rajkamal lane to the extent of the proposed width of 40 ft.

7. It is stated on behalf of the petitioner in Writ Petition No.2086/2016 that the Corporation should not refuse permission to the petitioner to make further construction and/or refuse to grant other permissions/sanctions solely on the ground that the hospital has not parted with the land. The learned Counsel for the Corporation states that the apprehension of the learned Counsel for the petitioner in Writ Petition No.2086/2016 is ill-founded. However, we direct the respondent-Corporation not take any coercive action against the petitioner in Writ Petition No.2086/2016, merely because it would not handed over the remaining 10 ft. (width) land to the Corporation till the State Government accepts the proposal.

8. No order as to costs.

(Riyaz I. Chagla J.)

(Smt.Vasanti A Naik J.)