

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

WRIT PETITION NO. 4320 OF 2018

Ram Kailash R. Mishra

.. Petitioner

v/s.

Asstt. Estate Officer (Kharghar)
& Ors.

..Respondents

Mr. Ramesh Tripathi a/w. Ms. Krinjal Ahuja for the Petitioner.

Mr. B.B.Sharma for the Respondent Nos.1 and 2.

Mr. A.P. Vanarse, AGP for the Respondent/State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED : JULY 04, 2018.

P.C. :

1. The petitioner has filed this petition under Article 226 of the Constitution of India, challenging the notice dated 11th January, 2018 issued to him by CIDCO. By the said notice the petitioner was directed to stop the unauthorized construction of the weigh bridge, failing which, he was informed that, the allotment agreement would stand cancelled.

2. By Lease Deed dated 8th November, 1986, the respondent no.2

had granted leasehold rights to M/s. Sona Steel in respect of Plot No.1932, situated at Kalamboli Warehousing Complex, Navi Mumbai. Subsequently, as per the request letter dated 25th September, 2011 on payment of transfer charges, the leasehold rights were transferred in the name of the Petitioner. It is not in dispute that the said land was to be used for the purpose of warehousing and trading in iron and steel, and for no other purpose. The lease agreement prohibited erection of any building or structure except compound walls, and steps and garages and necessary adjuncts thereto, on any portion of the said land outside the building line.

3. It is not in dispute that the petitioner has constructed a weigh bridge in the subject plot and this has resulted in issuance of the impugned notice. The construction of the weighbridge is in contravention of the terms of lease agreement. Hence, we do not find any reason to interfere with the notice.

4. At this stage, the learned Counsel for the petitioner submits that the petitioner is ready and willing to remove the unauthorized construction of the weigh bridge by 30th July, 2018. Statement is accepted as an undertaking to the Court.

5. Mr. Sharma, learned Counsel for CIDCO, on instructions, makes a statement that in the event, the petitioner removes the unauthorized construction of the weigh bridge, the lease of the subject plot in favour of the petitioner would not be terminated on the ground specified in the notice. Statement accepted.

6. In view of above nothing more survives for consideration. Petition is disposed of in terms of the statements made by the respective parties.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)