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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.9049 OF 2018

Jangu S. Prajapati	...Petitioner
V/s.	
The State of Maharashtra & Ors.	...Respondents

Mr.Angad Giri for the Petitioner.

Mr.S.H. Kankal, A.G.P. for the State – Respondent Nos.1 to 4.

Mr.Santosh Pathak for the Respondent No.5.

CORAM : R.D. DHANUKA, J.
DATE : 28TH MARCH, 2018.

P.C. :-

1. The papers are allowed to be produced at 3:00 p.m.
2. Learned counsel appearing for the petitioner states that Mr.Bhaskar Vishram Gawade is having authority to give the instructions on behalf of the petitioner.
3. Learned counsel for the petitioner on instructions states that the petitioner undertakes to hand over vacant and peaceful possession of the structures mentioned at serial no.297 of Index-II to the respondent no.5 within two weeks from today on the condition that the respondent no.5 entering into an agreement for permanent alternate accommodation in respect of the suit structure described at

serial no.297 of Index-II and on payment of compensation. It is submitted by the learned counsel for the petitioner that the petitioner will accept the compensation at the rate of Rs.9,000/- per month which is being paid by the respondent no.5 to the other occupants without prejudice to the rights and contentions of the petitioner. The petitioner will file appropriate proceedings for recovery of the additional amount in accordance with law. The undertaking rendered by the learned counsel is accepted.

4. Learned counsel for the respondent no.5 undertakes to execute the agreement for permanent alternate accommodation with the petitioner against the petitioner handing over vacant and peaceful possession of the structure in question to the respondent no.5 and upon accepting the compensation at the rate of Rs.9,000/- without prejudice to the rights and contentions of the petitioner as well as the respondent no.5. Learned counsel for the petitioner states that the bank account details of the petitioner would be furnished to the respondent no.5 within one week from today. The amount of compensation can be credited to the said account by the respondent no.5 at the time of the petitioner handing over vacant and peaceful possession of the structure in question to the respondent no.5 and the parties entering into the agreement for permanent alternate accommodation.

5. If possession of the aforesaid structure is not handed over by the petitioner to the respondent no.5 within a period of two weeks from today after entering into a permanent alternate accommodation and the petitioner having received compensation in his account as agreed aforesaid, the Competent Authority, S.R.A. to dispossess the petitioner along with all the occupants forcibly with the assistance of the police, if necessary.

6. The undertakings recorded by both the parties are accepted.

7. The writ petition is disposed of in aforesaid terms. No order as to costs.

8. The parties as well as the Competent Authority, S.R.A. and the local Police to act on the authenticated copy of this order.

9. If any application is made for determination of compensation by the petitioner before appropriate authority, the same shall be disposed of expeditiously after hearing the petitioner and the respondent no.5.

(R.D. DHANUKA, J.)