

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

WRIT PETITION NO.7008 OF 2016

M/s.Reliance Enterprises	..	Petitioner
Vs.		
Fazal Shaikh & Ors.	..	Respondents

Mr.Girish Godbole i/by Mr.Merlyn Dias for the petitioner.

Mr.S.Syed Amanulla for the respondent no.1.

Mr.P.G. Lad a/w Ms.Aparna Muralidharan and Ms.Sayli Apte for the respondent no.2.

CORAM : R.D. DHANUKA, J.

DATE : 22nd January 2018

P.C.:

. By consent of the petitioner and the respondent no.1, following order is passed :-

(i) The impugned order dated 7th December 2015 passed by the respondent no.3 is set aside.

(ii) Appeal No.45 of 2015 filed by the respondent no.1 is dismissed on the condition that the petition shall vacate the possession of the occupied premises in question and shall take temporary alternate accommodation given by the respondent no.1 situated on the scheme plot which is already shown by the respondent no.1 to the petitioner within 48 hours from the petitioner offering the premises on “as is where is” basis.

2. Mr.Godbole, learned counsel for the petitioner, on instructions, states that his client would preferably provide water and electricity connection in the said premises within two weeks from today.

3. Learned counsel appearing for the respondent no.1 states that his client would shift to the premises offered by the petitioner within 48 hours from the petitioner offering the said premises and vacate the possession of the occupied premises unconditionally and hand over the same to the petitioner. Statements made by both the learned counsel for the parties are accepted as and by way of undertakings to this Court.

4. If the temporary alternate accommodation is offered by the petitioner to the respondent no.1 within 48 hours and the respondent no.1 does not vacate the possession of the occupied premises in question and hand over to the petitioner, the Court Receiver, Bombay High Court to stand appointed as a Receiver to take forcible possession of the premises in question with the assistance of police if necessary and hand over the same to the petitioner for the purpose of redevelopment.

5. Writ petition is disposed of in aforesaid terms. No order as to costs.

R.D. DHANUKA, J.