

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

WRIT PETITION NO.10752 OF 2017

M/s.Reliance Enterprises .. Petitioner
Vs.
Salim Rehman 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 this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 7th December 2015 passed by the respondent no.3.

2. There is no dispute that the name of the respondent no.1 is not shown in Annexure-II. It is the case of the respondent no.1 that the respondent no.1 has applied for correction of name in Annexure-II before the Competent Authority.

3. Mr.Lad, learned counsel for the competent authority submits that the application made by the respondent no.1 is not in a proper format and the same shall be applied in a proper format to enable the competent authority to decide the said application. The respondent no.1 agrees to make an application for correction of his name in a proper format within one week from today with all requisite documents before the competent authority. The competent authority shall decide the said

application within six weeks from the date of receipt of the said application if filed along with requisite documents.

4. Mr.Godbole, learned counsel for the petitioner, on instructions, states that his client would forward 18 post dated cheques in favour of the respondent no.1 to the learned advocate representing the respondent no.1 within one week from today without prejudice to the rights and contentions of the petitioner about eligibility of the respondent no.1 to get any permanent alternate accommodation. If the cheques are not accepted by the learned advocate for the respondent no.1 on behalf of the respondent no.1, the said amount shall be deposited by the petitioner in this Court.

5. Upon receipt of post dated cheques from the petitioner, the respondent no.1 shall hand over vacant possession of the tenement in question to the petitioner within one week from the date of receipt of said post dated cheques without fail. If the respondent no.1 does not hand over vacant possession of the premises in question to the petitioner upon receipt of 18 post dated cheques within the time prescribed aforesaid, 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.

6. In the event of the eligibility issue decided against the respondent no.1, the respondent no.1 shall return the balance cheques to the petitioner within one week from the date of deciding the said issue and shall not deposit those cheques in his bank account. In the event of

the respondent no.1 not returning those cheques to the petitioner, the petitioner will have liberty to instruct its bankers to stop payment.

7. The petitioner has agreed to keep the tenement No.301 i.e. temporary transit camp vacant for a period of three months from today. In the event of the respondent no.1 succeeding in this application before the competent authority and the issue of eligibility is decided in favour of the respondent no.1, the petitioner shall offer the said temporary transit camp bearing No.301 to the respondent no.1. In that event, the respondent no.1 shall return the balance cheques to the petitioner upon getting possession of the said temporary transit camp accommodation.

8. Learned counsel for the respondent no.1, on instructions from the respondent no.1 and his wife who are present in Court agrees that his client and wife of his client whose name is shown at Serial No.63 of Annexure- II and even if eligibility of the respondent no.1 is decided in his favour, both of them would get only one alternate accommodation between two of them. Statement is accepted.

9. In view of this arrangement arrived at aforesaid between the parties, this Court has not recorded any detailed reasons. The impugned order is accordingly set aside. Writ petition is disposed of in aforesaid terms. No order as to costs.

10. All the parties to act on the authenticated copy of this order.

R.D. DHANUKA, J.