

psv

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

WRIT PETITION NO.4335 OF 2016

Shri Dilip Khimji Thakkar Vs. The Municipal Corporation of the City of Thane & Ors.	...Petitioner ...Respondents
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**WITH
CIVIL APPLICATION NO.1223 OF 2016**

Shri Dilip Khimji Thakkar In the matter between Shri Dilip Khimji Thakkar Vs. The Municipal Corporation of the City of Thane & Ors.	...Applicant ...Petitioner ...Respondents
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Ms.Gauri Godse for Petitioner.
Mr.R.S. Apte, Senior Advocate, i/b.Mr.Mandar Limaye for Respondent
Nos.1 to 3.
Mr.M.M. Pable, AGP for State.

**CORAM : NARESH H. PATIL, ACTING C.J. AND
G.S. KULKARNI, J.**

DATE : 21st SEPTEMBER 2018

P.C.:

The learned Senior Advocate Mr.Apte submits that the Corporation has proposed to construct Palika Bazar along with participation of the Government. The petitioner, who is a tenant of the original premises, submits that as and when it is constructed, the

petitioner be allotted a shop in the said Palika Bazar.

2. The learned Senior Advocate Mr.Apte, on instructions, makes a statement that till Palika Bazar is constructed, a shop is allotted to the petitioner and the Corporation is ready to allow the petitioner to continue with the occupancy of the shop which is temporary allotted to him. It is stated that in case need arises to remove the petitioner from the alternate place which the petitioner is occupying, another accommodation will be allotted to the petitioner.

4. It is needless to mention that in case the petitioner is to be shifted again, the location shall be conducive to his running of trading activities.

5. All contentions of the parties on merits are kept open.

6. In case the petitioner still wants to pursue with any other grievance than the one, then the petitioner is at liberty to do so.

7. We make it clear that we have not examined the eligibility of the petitioner who claims to be the tenant, in regard to the entitlement to either the temporary or permanent allotment of alternate premises. It

is for the Municipal Corporation to take an appropriate decision in this regard, in case of any rival claims.

8. The writ petition stands disposed of accordingly.

9. In view of disposal of the writ petition, nothing survives in the civil application. It is accordingly disposed of.

G.S. KULKARNI, J.

ACTING CHIEF JUSTICE