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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.11975 OF 2018

R.D. Vidya Mandir & K. Mahavir High School	...Petitioner
V/s.	
The State of Maharashtra & Ors.	...Respondents

Mr.Sagar Batavia i/b Mr.A.N. Giri for the Petitioner.

Mr.S.D. Rayrikar, A.G.P. for the State – Respondent No.1.

Mr.Madhur S. Surana for the Respondent No.6.

Ms.Oorja Dhond for the B.M.C.

Mr.Rubin Vakil i/b Mr.Manoj Pandey for the Respondent No.5.

CORAM : R.D. DHANUKA, J.
DATE : 4TH MAY, 2018.

P.C. :-

1. Learned counsel appearing for the petitioner on instructions states that if the measurement of the premises occupied by the petitioner is taken by the Municipal Corporation, the petitioner undertakes to shift to the transit accommodation offered by the respondent no.6 within two weeks from today. Mr.Surana, learned counsel appearing for the respondent no.6 on instructions states that his client has no objection if re-measurement of the premises in occupation of the petitioner is taken by the Municipal Corporation in presence of both the parties. The statement is accepted. Undertaking

rendered by the petitioner is accepted.

2. Learned counsel appearing for the Municipal Corporation on instructions states that the concerned officer of the Municipal Corporation would take re-measurement of the premises in possession of the representative of the petitioner as well as the respondent no.6 tomorrow i.e. 5th May, 2018. The representative of the petitioner as well as the respondent no.6 shall remain present tomorrow in the school premises at 11:00 a.m. for the purpose of taking re-measurement. If any of the parties remain absent, the concerned officer of the Municipal Corporation shall not postpone the date of taking re-measurement and shall complete the re-measurement.

3. A copy of the re-measurement sheet shall be duly signed by both the parties and also the concerned officer of the Municipal Corporation who would take such joint measurement in presence of the parties. The petitioner is directed to hand over possession of the entire premises in occupation of the petitioner within one week from the date of taking re-measurement. It is made clear that if vacant possession of the premises in occupation of the petitioner is not handed over to the respondent no.6 by the petitioner within one week from today, the Municipal Corporation shall demolish the structure and shall hand over vacant and peaceful possession thereof to the

respondent no.6 forthwith. It is made clear that no further extension of time would be granted for the carrying out re-measurement as well as for handing over possession by the petitioner.

4. The petitioner is at liberty to shift to the temporary transit camp reflected in the photographs handed over to the Court today by Mr.Surana, learned counsel for the respondent no.6. A copy of the photographs is already furnished to the learned counsel for the petitioner in Court by the learned counsel for the respondent no.6.

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

6. All the parties, including the Authorities to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)