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

**REVIEW PETITION (ST) NO. 19265 OF 2018
IN
CIVIL APPLICATION NO. 201 OF 2018
IN
WRIT PETITION NO. 13662 OF 2016**

Jayesh Gulabrrao Kamdar & Ors. ... Petitioners

Versus

The Navi Mumbai Municipal Corporation & ... Respondents
Ors.

**REVIEW PETITION (ST) NO. 19269 OF 2018
IN
CIVIL APPLICATION NO. 202 OF 2018
IN
WRIT PETITION NO. 13663 OF 2016**

Shri Sandeep Shyam More & Ors. ... Petitioners

Versus

The Navi Mumbai Municipal Corporation & ... Respondents
Ors.

Mr. M.S. Bhandari, I/b Mr. Mangesh Deshmukh, for the Applicant.

**CORAM: A.S. OKA AND
RIYAZ I. CHAGLA, JJ.
DATE: 6TH JULY, 2018**

PC:-

1. Not on board. Taken on board.
2. Perused the order of the Apex Court of 5th July, 2018.
Perused the judgment and order dated 3rd July, 2017. Heard the learned counsel for the Review Petitioners. The Petitioners have given solemn undertaking which is accepted by this Court.

Paragraph Nos. 13 and 14 of the judgment and order sought to be reviewed read thus:-

13. Therefore, on the earlier date it was expressed that no relief can be granted to the Petitioners. Today, the Petitioners have filed undertaking on oath dated 30th July, 2017 and 1st July, 2017. In the undertakings the Petitioners have undertaken to the Court to vacate the premises in the respective possession with their family members within a period of 12 months from the date of the undertakings irrespective of the outcome of the applications made for regularisation. They have stated that they will proceed against the developers, structure owners and other persons responsible for selling the premises / flats to them.

14. In normal course, after finding that the buildings have been illegally erected on a public property, this Court would not have entertained the request for grant of time to vacate. However, the agreements for sale executed in favour of the petitioners are of the year 2011 which are on record. On paying substantial consideration, the petitioners have acquired flats in the said building. The petitioners are residing therein along with their families for last three years. In the city of Navi Mumbai, it is reasonable to expect that some time will be required to acquire another premises. It is only in the light of the peculiar facts of the case that though we are not interfering with the action of the respondents, we propose to grant time till 30th June 2018 to the petitioners to vacate the premises in the respective possession.

(Underline supplied)

3. Only on the allegation that there are subsequent events, the Petitioners cannot be permitted to resile from their undertaking given to this Court. The order dated 3rd July, 2017 makes it very

clear that but for the undertaking given by them, this Court would not have shown indulgence. It is only in view of the undertaking that this Court granted time of one year to the Petitioners to vacate their respective premises.

4. There is no error apparent on the face of the record. Even otherwise no ground for review.

5. Hence both Review Petitions are rejected. The Civil Applications do not survive.

(RIYAZ I. CHAGLA J.)

(A.S. OKA, J)