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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) No. 36 OF 2018

Sarabjeet Yadav & Ors. ... Petitioners
Vs.
The Municipal Corporation of
Greater Mumbai & Ors ... Respondents

Mr. Mukesh Subramanian, for the Petitioners.

Ms. Vandana Mahadik, for the Respondent - BMC.

CORAM : A. S. OKA, &
P. N. DESHMUKH, JJ.

DATE : JANUARY 8, 2018

PC :

1. Not on board. Taken on board.
2. Heard the learned counsel appearing for the parties. The learned counsel appearing for the Petitioners, on instructions, states that Petitioners are willing to give an unconditional undertaking to vacate the premises in their respective possession and hand over the same to the first Respondent for its demolition on or before 30th April,

2018. We accept the said statement. In view of this statement, petition need not be kept pending, as now the challenge to the impugned orders does not survive. Accordingly, we dispose of the petition by the following order:

- (i) We accept the statement made by the learned counsel for the Petitioners on instructions of the Petitioners that the Petitioners will vacate the premises, which are subject matters of both the impugned orders and will hand over the vacant possession thereof to the first Respondent on or before 30th April, 2018 to enable the first Respondent to demolish the same;
- (ii) We direct the Petitioners to file undertakings in this Court on oath in above terms, as expeditiously as possible, and in any event within a period of three weeks from today;
- (iii) In view of the aforesaid statement, we direct the first Respondent that structures of the Petitioners, which are the subject matter of the impugned orders, shall not be demolished till 30th April, 2018. If the structures are not

demolished by the Petitioners on or before 30th April, 2018, without prejudice to the other remedies of the first Respondent, it will be open for the first Respondent to demolish the subject structures without further notice to the Petitioners.

- (iv) In the event of failure to file the undertakings by the Petitioners within the stipulated period as aforesaid, the protection granted above shall cease to operate and it will be open for the first Respondent to take action of demolition.
- (v) Writ petition is disposed of accordingly in the aforesaid terms.

Sd/-
[P. N. DESHMUKH, J.]

Sd/-
[A. S. OKA, J.]