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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) No. 168 OF 2018

Tina Vijay Khatu & Ors. ... Petitioners
Vs.
State of Maharashtra & Ors. ... Respondents

Mr. D. S. Sakhalkar i/b Ajay L. Yadav, for the Petitioners.
Mr. Hemant Haryan, AGP for the Respondent No. 1.
Ms. K. H. Mastakar, for the Respondent Nos. 2 and 3 – BMC.
Mr. Manoj Badgujar i/b A. P. Kulkarni, for the Respondent No. 4.

CORAM : A. S. OKA, &
P. N. DESHMUKH, JJ.
DATE : JANUARY 24, 2018

PC :

1. Heard the learned counsel appearing for the Petitioners and the learned counsel appearing for 2nd and 3rd Respondents. The learned AGP represents 1st Respondent. The structures subject matter of this petition are required to be demolished as the same are within the distance of 10 meters from Tansa pipeline in terms of the directions of this Court given in PIL No. 140 of 2006.
2. The learned counsel for the Petitioners states that the

Petitioners are personally present in the Court. He tendered separate affidavit of the Petitioners, affirmed on 23rd January, 2018 containing undertaking in paragraph 7 thereof. The Petitioners have given undertaking to vacate their respective structures within six months from today to enable the Mumbai Municipal Corporation to demolish the same. It is only in the light of the unconditional undertakings given by the Petitioners that we propose to grant time of six months to the Petitioners to vacate their respective structures. We make it clear that no further extension will be granted on expiry of the period of six months.

3. Accordingly, we dispose of the petition by passing following order:

- (i) The affidavits of the Petitioners are taken on record and marked “A-1” to “A-9” for identification. The undertakings of the Petitioners in paragraph 7 are accepted;
- (ii) In view of the undertakings, we direct that the second Respondent shall not demolish the subject structures of

the Petitioners till 23rd July, 2018;

- (iii) On the failure of the Petitioners or any of them to vacate their respective structures and to hand over possession the same to the second Respondent - Municipal Corporation on or before 23rd July, 2018, apart from the other remedies available to the second Respondent, the second Respondent shall demolish the subject structures without any further notice to the Petitioners. If the second Respondent needs police help, the concerned local police station shall grant necessary police protection for the demolition of the subject structures,
- (iv) We also make it clear that the Petitioners shall not be entitled to seek any extension after completion of the period of six months as aforesaid.

The writ petition is disposed of in the aforesaid terms.

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

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