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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) No. 244 OF 2018

Vishwanath Narsingh Dasre & Ors. ... Petitioners
Vs.
State of Maharashtra & Ors. ... Respondents

Mr. Ajay L. Yadav, for the Petitioners.

Mr. V. S. Upadhyay, AGP for the Respondent – State.

Ms. Pallavi Thakar, for the Respondent – BMC.

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

DATE : FEBRUARY 1, 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

affidavits of the Petitioners, affirmed on 29th January, 2018 containing undertaking in paragraph 7 thereof. The Petitioners have given undertakings 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-8” 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 29th 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 29rd 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 demotion 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.]

Vinayak Halemath