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

WRIT PETITION NO. 2095 OF 2013

Ahmed Mohammad Mukati

.. Petitioner

Vs.

1. State of Maharashtra and ors.

.. Respondents

Mr. Ahmed M. Mukati, petitioner-in-person present.

Mr. R. J. Mane, AGP for respondent no.1 - State.

Mr. N. R. Bubna a/w Mrs. Vandana Mahadik for respondent nos.2 and 3 -
MCGM.

CORAM: NARESH H. PATIL, ACTING CJ &
G. S. KULKARNI, J.

AUGUST 20, 2018.

Pravin
Dasharath
Pandit

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P.C.

1. By this petition, the petitioner prays for an alternate accommodations in lieu of his occupation of structures i.e. PTS Nos. 79, 83, 84 and 85 on the proposed town planning Road at Wanjewadi, Mahim.

2. We have perused the record, affidavits filed and considered the submissions advanced.

3. The learned counsel appearing for the respondent nos.2 and 3 – Corporation submits that two options for alternate accommodations / premises have been given to the petitioner i.e. (a) 1st floor Baya Park on Plot F.P. No. 13(Pt.) TPS III, Mahim Division, Dadar (W) and (b) 3rd floor Hawker Plaza, Municipal Market (Janta Cloth Market) on plot bearing F.P.No. 13 (Pt.) TPS III Mahim Division, Dadar (W). The learned counsel further submitted that the petitioner has inspected the aforesaid alternate accommodations / premises.

4. In view of the communication dated 6/8/2018 addressed by the Assistant Commissioner, G/North Ward to the petitioner, the petitioner has to choose either of these options given by the Corporation within a week's time and communicate to the Corporation as to which premises he will prefer. Within two weeks of the receiving the option letter from the petitioner, the Corporation shall hand over to the petitioner the alternate premises opted by him. Thereafter, within four weeks of the alternate premises being handed over to the petitioner, the petitioner shall vacate the subject structures, failing which the Corporation shall take necessary steps to get the petitioner's premises vacated.

5. The Writ Petition is disposed of accordingly.

6. At this stage, the petitioner-in-person prays for continuation of ad-interim relief granted earlier. The learned counsel for the Corporation opposed the said prayer. In the facts, we are not inclined to continue the ad-interim relief. The prayer is rejected.

G. S. KULKARNI J.

ACTING CHIEF JUSTICE