

pmw

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

WRIT PETITION (L) NO.3668 OF 2017

Mohd. Idrish Shaikh

... Petitioner

Vs.

Municipal Corporation for Greater Mumbai

... Respondent

WITH

WRIT PETITION (L) NO.3669 OF 2017

Lakhamshi Meghji Shah

... Petitioner

Vs.

Municipal Corporation for Greater Mumbai

... Respondent

Mr. V.T. Dubey for the Petitioner in all Petitions.

Ms. Pooja Yadav for the Respondent – BMC in all Petitions.

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

DATE : 25th JANUARY, 2018

PC.

1 Heard the learned counsel appearing for the petitioners. He states that the structures subject matter of these two Petitions have been already demolished. He invited our attention to the communications dated 19th December, 2017 which are annexed to both the Petitions. The said communications record that the area of the structures was 19.80 square meters and 19.50 square meters respectively. It is stated in the

said letter that the structures were used for non-residential purposes and therefore, the petitioners are entitled to rehabilitation as stated therein. There are three options given in the said letters to the petitioners. The learned counsel appearing for the petitioners states on instructions that the petitioners have exercised the third option of allotment of alternate accommodation. We accept the said statements.

2 Now the Mumbai Municipal Corporation will have to take action of allotment of alternate accommodation as the petitioners in these two Petitions have opted for third option set out in the letter dated 19th December, 2017.

3 As the petitioners have been dispossessed, the action of allotment will have to be taken at the earliest.

4 Accordingly, we dispose of the Petitions by passing the following order :-

ORDER

- (i) We direct the Mumbai Municipal Corporation to allot alternate accommodation to the petitioners in both the Petitions as per the Option No.3 set out in letters dated 19th December, 2017 as expeditiously as possible and in

any event within the period of one month from today;

- (ii) We make it clear that as the petitioners have been dispossessed, no further time shall be granted to the Mumbai Municipal Corporation;
- (iii) Petitions are disposed of with the above terms;
- (iv) All parties to act upon an authenticated copy of this order.

(P N. DESHMUKH, J)

(A.S. OKA, J)