

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10621 OF 2014

Priyanka Prasanna Gandhi and Ors.

...Petitioners

vs.

The Chief Officer, Ratnagiri Nagar Parishad
and Ors.

...Respondents

Mr. Shekhar Jagtap a/w Sapna Raskar i/b J. Shekhar & Co. for the
Petitioners.

Mr. Rakesh Bhatkar for Respondent No.1.

Mr. Y. S. Khochare, AGP for the Respondent Nos. 2 to 4.

**CORAM : B. P. DHARMADHIKARI &
N. R. BORKAR, JJ.**

DATE : 11/12/2019.

PC.:

. Petitioners state that after orders of this Court dated 10/10/2019, on 4/12/2019 notices to vacate the shop blocks within 7 days are served upon petitioners.

2. We find that there are total 10 shop block occupants before this Court. Their grievance is way back in 2013 the State Government has recommended renewal of lease in their favour.

3. Municipal Council has decided to proceed further with fresh allotment. We cannot find any fault with this decision of Municipal Council. Petitioners have paid rent till March 2020.

4. Municipal Council does not have list of fresh allottees ready with it to allot the premises immediately to them, if petitioners vacate.

5. In this situation, income from shop blocks cannot be lost by the Municipal Council by keeping it vacant.

6. Municipal Council can take appropriate undertaking from petitioners that in case shop block is not allotted to them under fresh allotment process, they shall vacate and the Council can finalize the list in accordance with law. Petitioners can also continue to pay rent as determined by three members Committee.

7. In this situation, we find that till the list of all allottees after completing fresh process is finalized there is no point in disturbing the occupants. We accordingly permit respondent-municipal council to initiate the process of inviting fresh bids for allotment. Petitioners should participate in that process. The process be initiated within 4 weeks from today and be completed in next 2 months.

8. However, petitioners shall within 2 weeks from today place on record of this Court and also with Municipal Council their separate undertakings that in case they fail to offer highest amount for occupation of their respective shop blocks, they shall vacate the said shop block within 1 week after publication of list of new allottees.

9. Notice for vacation issued on 4/12/2019 is taken on record as Exhibit "A" collectively. Similarly, respondent Municipal Council is permitted to verify the statement that the petitioners have paid occupation charges till March 2020. Such of the petitioners who have not paid it or have shortfall in payment, are permitted to pay it within 2 weeks.

10. Subject to the petitioners furnishing their separate undertaking as supra and paying charges within time of two weeks, we protect their possession till publication of list of new allottees.

11. Writ petition is accordingly disposed of.

(N. R. BORKAR, J.)

(B. P. DHARMADHIKARI, J.)