

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2124 OF 2019

Sunita Notandas Valecha and Ors.	...Petitioners
vs.	
Ulhasnagar Municipal Corporation	...Respondent

Mr. N.R. Bubna, for the Petitioners
Mr. S.M. Kamble, for the Respondent

CORAM : M. S. SONAK, J.

DATE : APRIL 05, 2019

P.C.:

. After this matter was argued for some time, the learned counsel for the parties on instruction from their respective clients, request that this Petition will be disposed of with the following order:-

(a) Within one week from today, the Respondent – Ulhasnagar Municipal Corporation (UMC) will allot and place the Petitioners in possession of the temporary alternate accommodation i.e. Millenium Heights, Ground Floor, Gala No. 2, In front of Haridwar Apartments, Ulhasnagar – 2 admeasuring 366.91 sq.ft.

(b) Within three weeks from the date the Petitioners' are placed in possession of the temporary alternate accommodation as aforesaid, the Petitioners will submit all documents in relation to

their rights and title to the shop which is already demolished.

(c) This is in order to enable the UMC to determine the Petitioners' eligibility for permanent alternate accommodation. Upon receipt of all documents as aforesaid, the UMC to take decision on the issue of eligibility of the Petitioners and communicate the same to the Petitioners by way of written communication.

2. If the decision is adverse to the Petitioners, the same will not be implemented for a period of four weeks from the date of service of written communication to the Petitioners. The communication will have to be served upon the Petitioners at the address where they have been now giving the temporary alternate accommodation.

3. Subject to the Petitioners' securing for interim relief from the appropriate authorities, the Petitioners will have to vacate the temporary alternate accommodation in case they are as judged ineligible by the UMC, within a period of maximum eight weeks from the date of receipt of written communication.

4. The Petitioners to file undertaking before the Civil Court as to where the suit is pending, within one week from the date of their placing of possession of temporary alternate accommodation.
5. The communication dated 4th April, 2019 issued by UMC to the Petitioners is taken on record.
6. It is made clear that the aforesaid arrangement is only an ad-hoc arrangement pending final determination in the suit which is pending before the trial Court.
7. However, it is clarified that the aforesaid arrangement is without prejudice to the rights and contentions of all parties.
8. The ad-interim relief granted in this Petition earlier stands vacated.
9. The Petition is disposed of in the aforesaid terms.

(M. S. SONAK, J.)