

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition (ST) NO. 5072 OF 2019

Premchand Barsati Kanaujia

...Petitioner

Versus

Ravikant Ramdas Kapure

And Ors

...Respondents

....

Mr. S.G. Deshmukh i/b. G.T.Kanchanpurkar, Advocate for the Petitioner.

....

CORAM : R. G. KETKAR, J.

DATE : 15th FEBRUARY, 2019

P.C.

1. Not on board. At the request of Mr. Deshmukh taken up in the production board.
2. Heard Mr.S.G. Deshmukh, learned counsel for the petitioner.
3. For the reasons recorded in the order dated 14.2.2019 passed in Writ Petition No.1915/2019 and other companion petitions, Mr. Deshmukh, on instructions, states that present petitioner is also not pressing this petition and seeks permission to withdraw the petition. He states that the petitioner is present in the Court today. He has tendered a photo-copy of petitioner's PAN Card, which is taken on record and marked 'A' for identification.
4. Mr. Deshmukh submits that after respondents No.3 & 4 demolishes the building, the petitioner will submit proposal for erecting temporary structures on Survey No.270, Hissa No.9A, City Survey No.386-B & 387-B, Vishnu Nagar, Nana Shankarshet Road, Dombivali (West) to the Corporation. Copy thereof shall also be sent for information to respondents No.1 & 2. The petitioner undertakes that :

- (i) subject to permission of the Corporation, he will erect temporary structures of equivalent area in his possession on the open land at his expenses and will not claim any equity;
- (ii) he will also go on paying monthly rent to respondents No.1 & 2; and
- (iii) as and when respondents No.1 & 2 start reconstruction, he will remove the temporary structures at his expenses.

Undertakings of the petitioner are accepted

5. In view thereof, on the motion made by Mr. Deshmukh, the petition is allowed to be withdrawn with liberty as prayed for and is disposed of as such. In case, the petitioner submits the proposal for erecting temporary structures after demolition of the building, the Corporation shall consider said proposal in accordance with law and will not reject the same only on the ground that respondents No.1 & 2 have objected the same.

6. After obtaining sanction of the building plans, respondents No.1 & 2 will give 15 days' notice to the petitioner for dismantling their temporary structures. Upon receipt of the notices, the petitioner shall dismantle the temporary structures within two weeks therefrom, failing which respondents No.1 & 2 will be at liberty to demolish the structures and recover expenses from the petitioner.

7. Liberty is reserved to respondents No.1 & 2 to move this Court in case the petitioner herein carry out permanent construction in the subject

plot. Liberty is also reserved to the petitioner to apply for restoration of water and electricity supply as also installation of water meters and electricity meters. Order accordingly.

8. Mr.Deshmukh assures that he will serve copy of this order on Mr. Namjoshi and Mr.Rao. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)