

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 1622 OF 2019

Bhavanji Shamji Lalan

...Petitioner

Versus

Mumbai Municipal Corporation of Greater
Mumbai & Anr

...Respondents

Mr Amrut Joshi, *with Kunal Chheda, for the Petitioner.*

Mr Bhavanji Lalan, *Petitioner, is present.*

Mr Sachin Gite, *with Vandana Mahadik, for the MCGM.*

Mr Chetan Shirudkar, *Junior Engineer (Maintenance) K/W Ward,
MCGM, is present.*

**CORAM: S. C. DHARMADHIKARI &
G.S. PATEL, JJ**

DATED: 10th July 2019

PC:-

1. After the writ petition was argued for some time, on previous occasions and today, the Municipal Corporation placed before us a measurement report and compliance statement.

2. On perusing the same, we asked the Counsel appearing for the petitioner in his presence as to whether the petitioner is ready and willing to hand over the property belonging to him to the Municipal Corporation for widening of the road.

3. After the Counsel spoke to the petitioner, the petitioner says that he would hand over vacant and peaceful possession of the property, meaning thereby the structure and the land beneath on or before the 16th September 2019.

4. On the possession being handed over, the Municipal Corporation to then determine the compensation payable to the petitioner for such an act of the petitioner and disburse that amount as expeditiously as possible and within a period of three months from the date of handing over the possession.

5. We clarify that we have not expressed any opinion either on the manner in which the compensation would be determined or its quantum.

6. All contentions in that regard are kept open.

7. Needless, therefore, to clarify that it would be for the petitioner to accept the amount offered under protest and without prejudice to his rights and contentions.

8. The writ petition is disposed of.

9. The statement made by the petitioner and recorded above is accepted as an undertaking to this court. On its non-compliance, all

consequences in law shall follow including forcible dispossession and action in contempt.

(G. S. PATEL, J)

(S. C. DHARMADHIKARI, J)