

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

WRIT PETITION (L) NO.1674 OF 2013
WITH
NOTICE OF MOTION NO.602 OF 2017

Hiralal Gupta ... Petitioner

Vs

The State of Maharashtra and Ors. ... Respondents

WITH
WRIT PETITION (L) NO.1675 OF 2013
WITH
NOTICE OF MOTION NO.585 OF 2017
WITH
NOTICE OF MOTION (L) NO.768 OF 2018

Shyam Chandrakant Patade ... Petitioner

Vs

State of Maharashtra and Ors. ... Respondents

WITH
WRIT PETITION (L) NO.1677 OF 2013

Gopal D. Shett and Anr. ... Petitioners

Vs

The State of Maharashtra and Ors. ... Respondents

WITH
WRIT PETITION (L) NO.1678 OF 2013
WITH
NOTICE OF MOTION NO.601 OF 2017

Sudhakar Chokha Tribhuvan ... Petitioner

Vs

State of Maharashtra and Ors. ... Respondents

WITH
WRIT PETITION (L) NO.1679 OF 2013

Tarique Khan ... Petitioner

Vs

The State of Maharashtra and Ors. ... Respondents

WITH
WRIT PETITION (L) NO.1680 OF 2013
WITH
NOTICE OF MOTION NO.580 OF 2017

Smt.Shannodevi Chourasiya ... Petitioner

Vs

State of Maharashtra and Ors. ... Respondents

WITH
NOTICE OF MOTION NO.301 OF 2018
IN
PUBLIC INTEREST LITIGATION NO.134 OF 2009

Digamber Raghunath Mungekar and Ors. ... Petitioners

Vs

The Municipal Corporation of Gr.Bombay
and Ors. ... Respondents

Mr.S.G.Deshmukh i/b Gautam
T.Kanchanpurkar for the Petitioners in all
Petitions.

Mr.R.S.Apte, Senior Advocate a/w
Ms.Rupali Adhate for MCGM in all
Petitions and for Applicant in Notice of
Motion (L) No.768 of 2018.

Mr.Firdosh Pooniwala i/b Y.R. Shah for the
Applicant in Notice of Motion No.301 of
2018.

Ms.Uma Palsuledesai, AGP for State in
WP(L) Nos.1674/13, 1675/13, 1679/13 &
1680/13.

Ms.P.H.Kantharia, GP a/w Ms.Deepali
Patankar, Honorary Assistant to GP for
State in WPL No.1677/13 and 1678/13.

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

DATE :- JUNE 6, 2019

P.C. :-

1. Mr.Deshmukh appearing in each of these petitions for the petitioners states that on 15th February, 2019, a detailed order was passed on hearing both sides.
2. That order has been complied with and the petitioners have vacated their premises. They are awaiting the fruits of some package of rehabilitation which may be devised by the Municipal Corporation so as to meet such contingencies.
3. In the event, the premises that the petitioners are required to vacate for road widening and the petitioners surrender the same or offer them for demolition, then, it is expected that the Municipal Corporation takes reasonable stand and ensures that the source of livelihood of the parties like the petitioners is not permanently lost to them.

4. Mr.Apte confirms that the premises have indeed been vacated and the road widening project can be implemented. Mr.Apte assures the Court that the claim of the petitioners for rehabilitation or for alternate accommodation in terms of the municipal policies will be duly considered and the decision will be taken thereon as expeditiously as possible and in any event on or before 31st July, 2019.

5. In the light of the above assurances, each of these petitions stand disposed of with all connected applications.

6. Mr.Pooniwala appearing in the Public Interest Litigation, which is already disposed of, filed on behalf of the respondents, states that though the petitioners in these petitions have vacated their premises, there remains one country liquor bar and that is obstructing the project of widening of the road. The municipal official being not present, the advocates for the Municipal Corporation and Mr.Apte, learned senior advocate have no instructions.

7. However, if the details are provided, they agreed to look into the grievance of the petitioner in the Public Interest Litigation.

8. In the event, any such structure running country liquor bar is on the site and obstructing the project which is for the larger

benefit of public, then, the Municipal Corporation must ensure the removal of such structure and necessary process be undertaken and completed within two months from today.

(G.S.PATEL, J.)

(S.C.DHARMADHIKARI, J.)