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

NOTICE OF MOTION NO.333 OF 2019
IN
WRIT PETITION NO.401 OF 2018

S.N. Bhatia & Ors. ...Applicants

IN THE MATTER BETWEEN :

S.N. Bhatia & Ors. ...Petitioners

V/s.

The Commissioner & Anr. ...Respondents

Mr.U.J. Makhija I/b Mr.Joel J. Carlos for the Applicants / Petitioners.

Mr.Joaquim Reis, Senior Counsel with Mr.R.Y. Sirsikar I/b
M/s.Jernold J. Xavier for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 8TH AUGUST, 2019.

P.C. :-

1. By this notice of motion, the applicants (original petitioners) seek modification of the judgment dated 11th July, 2019 passed by this Court on the ground that the applicants will have to locate alternate commercial premises for shifting. The Municipal Corporation has already sealed the shops of the applicants in view of the applicants not having handed over the vacant possession of the shops in compliance with the directions issued by this Court in the judgment dated 11th July, 2019 within the time prescribed.

2. It is not in dispute that the Municipal Corporation has already offered an alternate temporary accommodation to the applicants. The Supreme Court has already dismissed the Special Leave Petition No.18010 of 2019 filed by the applicants against the judgment dated 11th July, 2019 passed by this Court on 31st July, 2019.

3. The building in question has been already declared as dilapidated falling in C-1 category. I cannot permit the applicants to seek extension of time in view of these circumstances. The applicants are given one week time to vacate the tenements in their occupation and shall hand over the vacant possession to the respondent no.1, without fail. It is made clear that no further extension of time would be granted. If the applicants do not vacate and hand over the said premises within one week from today, the Municipal Corporation would be at liberty to take forcible possession of the said shops and if necessary with the assistance of the police.

4. It is made clear that the Municipal Corporation shall de-seal the premises only for the purpose of removing the articles by the applicants. No sooner the articles are removed by the applicants in compliance with this order read with the judgment dated 11th July, 2019, the respondent no.1 would be at liberty to demolish the suit shops.

5. The notice of motion is disposed of on aforesaid terms.

There shall be no order as to costs.

6. The parties as well as the concerned police station to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)