

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.**

WRIT PETITION NO.132 OF 2018

Maruti Laxman Jadhav

... Petitioner

Vs

The Chief Executive Officer & ors.

... Respondents

Mr.Sanjeev Sawant i/b Mr.Abhishek P. Deshmukh for Petitioner

Ms.Sonali Jadhav i/b Mr.Kamlesh ghumre for Respondent Nos.1, 2 and 3

Mr.Milind Sathe, Senior Advocate with Mr.H.N. Vakil and Mrs.Suzan Vakil i/b Mulla & Mulla and Craigie, Blunt & Caroe for the respondent No.4

**CORAM: AKIL KURESHI &
S.J. KATHAWALLA, JJ.**

DATED: AUGUST 27, 2019

P.C.:

1. On the basis of replies and rejoinder filed by the parties, the controversies in the present petition have substantially narrowed down. In an affidavit dated 7.12.2017 filed on behalf of Respondent No.4, following declaration is made:

“9) I say that this Respondent is ready and willing to construct a wooden stall in which a cabin admeasuring 5 Ft. x 8.1 Ft. or the actual area of the wooden stall presently

occupied by him would be given to the Petitioner for carrying out its business at a place convenient to the Respondent No.4 in some part of the property of the Respondent No.4. This offer is being made without prejudice to the right of the Respondent No.4 that the Petitioner is not entitled to any relief in the above petition or to claim, as matter of right, any area in the proposed reconstructed building for rehabilitation purposes.”

2. In addition thereto, the Counsel for Respondent No.4 stated that Respondent No.4 would not evict the petitioner from the existing premises without providing for a similar structure of similar size on the same plot.

3. The petition is, therefore, disposed of by accepting such statement with a further clarification that the structure which the respondent No.4 may provide to the petitioner, would be having similar situational advantages and disadvantages though it does not have to be at the same spot.

4. With these observations and directions, the petition is disposed of.

(S.J. KATHAWALLA, J.)

(AKIL KURESHI, J.)