

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

WRIT PETITION NO. 1802 OF 2016

Latesh Laxman Adivarekar. ..Petitioner.
Versus
the Municipal Corporation for Greater
Mumbai and Another. ..Respondents.

Mr. Latesh Laxman Adivarekar Petitioner in person.
Ms. K. H. Mastakar for MCGM.
Ms. Jyoti Chavan, AGP for the Respondent-State.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.
Date : **February 14, 2019.**

P. C. :

1. On 21st November 2018 this Court passed following
order :

“Heard learned counsel for the respective parties.

2. On 23.08.2018, this Court (Coram :
Naresh H. Patil, Acting C. J. & G. S. Kulkarni, J.)
passed the following order.

“The learned Counsel appearing for the
petitioner submits that petitioner being a
project affected person is yet to receive the
allotment order. The Counsel appearing for
Corporation submits that 7 such shops are
identified. List of the same is being handed
over to the Counsel today itself. As and when
petitioner indicates his presence for one of
them by way of written intimation, the same will
be allotted to him within three weeks.

2. The Registry to forward copy of this
order to the Commissioner, MCGM.”

In pursuance of the aforesaid order, a list of seven shops was given to the learned counsel for the Petitioner and out of these shops, the Petitioner has selected one shop and indemnity bond is also given by the Petitioner.

3. Learned counsel for the MCGM submits that the shop selected by the Petitioner would be allotted within a period of four weeks from today. Statement accepted.

4. In the above circumstances, nothing survives for consideration, however, only for compliance, the Petition be listed on 04.02.2019.”

2. Today, learned counsel for the Respondent-Corporation has placed on record a bunch of documents along with demand letter dated 12th February 2019 from the Assistant Commissioner, Market Department, MCGM addressed to the Petitioner. The said letter discloses that the Petitioner has been offered area admeasuring 60 sq.ft. at ground floor, Baya Park on plot bearing F.P.No.13(pt). TPS-III, Mahim Division, Dadar (West) in G/north ward. The said area is offered to the Petitioner subject to payment of Rs.7,88,410/- towards the standing deposit and cost of additional area. The said payment is

to be made within 15 days from the date of receipt.

3. The Petitioner who is present in person states that he is ready and willing to accept the said area however he may be granted some more time to make payment towards the standing deposit and cost of additional area. Learned counsel for the Respondent-Corporation states that reasonable extension of time may be granted.

4. In above circumstances, we dispose of this writ petition by passing following order :

[1] The Petitioner is at liberty to pay to the Respondent-Corporation a sum of Rs.7,88,410/- towards the allotment of area admeasuring 60 sq.ft., ground floor, Baya Park on plot bearing F.P.No.13(pt). TPS-III, Mahim Division, Dadar (West). The Petitioner can make such payment on or before 13th May 2019.

[2] Once payment is received by the Respondent-Corporation from the Petitioner, the Respondent-Corporation shall issue allotment letter of the said area to the Petitioner within eight days.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]