

R.M. AMBERKAR
(Private Secretary)

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

WRIT PETITION (L) NO. 3048 OF 2019

Ahmed Javed Abbajumma

.. Petitioner

Versus

State of Maharashtra & Ors.

.. Respondents

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- Mr. Usama Menon for the Petitioner
 - Mr. A.L. Patki, Addl. G.P. for the State
 - Ms. Rupali Adate for MCGM
 - Mr. Vishal Sakharkar (S.E.) Building Factory, 'B' Ward is present.
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CORAM : AKIL KURESHI &
B.P. COLABAWALLA, JJ.

DATE : NOVEMBER 8, 2019.

P.C.:

1. This petition is filed by an individual. However, learned counsel for the petitioner stated on instructions that the petition is pursued for and on behalf of all occupants and residents of the building No. 35/37/39 situated at 2nd Cross Lane, Nishanpada, Mumbai - 400 009. He clarified that due to paucity of time, this petition was filed by only one of them.

2. The building in question is under demolition, being found to be constructed unauthorisedly. The developer has

already moved civil Court and failed to obtain interim injunction. Appeal from order against such order has already been dismissed by the High Court. Learned counsel for the petitioner, however, submitted that the petitioner is not challenging the validity of the demolition notices issued by the Corporation. The petitioner's sole prayer is to grant reasonable time to the petitioner and other occupants and residents of the building to vacate. He submitted that the building is standing since several years and all the residents are belonging to the middle income group. They would need to make alternative arrangement for which purpose reasonable time may be granted. He pointed out that the Corporation has already disconnected the electricity and water supply.

3. Learned counsel for the Corporation appearing on advance copy submitted that the residents have already been granted sufficient time.

4. In facts of the case, to enable the petitioner and other occupants / residents of the building to vacate the premises,

we grant time upto 31st May, 2020. Consequently, the Corporation shall restore the essential supply of electricity and water connection to the residents. This shall however be subject to the following conditions:-

- (i) The petitioner and other occupants and residents of the building shall file an undertaking before this Court within one week from today that they shall vacate the premises without any further litigation or protest within the time permitted and they shall not seek any further extension.
- (ii) Electricity and water connection shall be restored only in respect of those of the above mentioned residents / occupants who file such an undertaking within the time permitted. For those who fail to file an undertaking, it would be open for the Corporation to take steps for their eviction even before 31.5.2020.

5. In view of above, the Writ Petition is disposed of.

[B.P. COLABAWALLA, J.]

[AKIL KURESHI, J]