

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

WRIT PETITION (L) NO.621 OF 2020

Harilal Patel	...	Petitioner
versus		
The Govt. of Maharashtra and Ors.	...	Respondents

Mr. Nishigandh N. Patil, for Petitioner.
Mr. Milind More, AGP, for State.
Mrs. Rupali Adhate with Mrs. Yamuna Parekh, for MCGM.

**CORAM: S.J. KATHAWALLA &
R.I.CHAGLA, JJ.**

DATE: 27th FEBRUARY, 2020

P.C.:

1. The above Writ Petition is filed for the following reliefs :

“(a) This Hon’ble Court may be pleased to declare the Petitioner’s structures viz Room No.3&4 Sindhi Chawll; Near Chirag Nagar Police Compound, Mumbai 86 are protected/tolerated structures as per provisions of Circular dated 1964 (datum line); and Petitioner is entitled for benefits of PAP under Policy Guideline by Circular dated 20.03.2017 No.ch E/DP/19922/ES;

(b) this Hon’ble Court may be pleased to issue necessary direction in the nature of mandamus to comply with procedure under Clause 11 of Policy Guideline by Circular dated 20.03.2017 No.ch E/DP/19922/ES;

(c) That this Hon’ble Court be pleased to restrain the Respondent No.2 and 3 and its officers from taking coercive steps to demolish

protected structures of petitioner without following procedure established under Policy Guideline by circular dated 20.03.2017 No.ch E/DP/19922/ES;”

2. The learned Advocate appearing for the Corporation on instructions from the Sub-Engineer who is present in Court, states that the Corporation is willing to provide the benefits of PAP to the Petitioner under the Policy Guidelines by Circular dated 20.03.2017 No.ch E/DP/19922/ES. The statement is accepted as an undertaking given to this Court. In view thereof, nothing survives in the above Writ Petition since the prayers sought are granted to the Petitioner. The Writ Petition is accordingly disposed of. Any orders passed by the Respondents which is adverse to the Petitioner shall provide a period of 15 days to enable the Petitioner to file an appeal.

(R.I.CHAGLA,J.)

(S.J.KATHAWALLA,J.)