

Sharayu Khot.

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

**WRIT PETITION NO. 3101 OF 2014
ALONGWITH
INTERIM APPLICATION NO. 1 OF 2020**

Jeevan Apsara Co-op. Housing Society Ltd. ...Petitioner

Versus

Mumbai Municipal Corporation & Anr. ...Respondents

Mr. Pradeep J. Thorat, for the Petitioner.

Mr. J. Reis, Senior Counsel, a/w Ms. Rupali Adhate, for the
Respondent-MCGM.

Mr. Kunal Modle, Sub-Engineer Maintenance K/W Ward.

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

DATE : 28 February 2020

P.C. :

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

“(a) *That this Hon’ble Court may be pleased to issue a Writ of Mandamus or any other Writ in the nature of Mandamus directing the Respondent Nos. 1 & 2 to take action of removal of encroachment made on the 15 feet wide access road passing from CTS No.1565 and connecting the property of the Petitioner Society i.e. CTS No.1568 with St. Francis Road situate at Vile Parle (W), Mumbai;*

b) *That this Hon’ble Court may be pleased to issue a Writ of Mandamus or any other Writ in the nature of Mandamus directing the Respondent Nos.1 and 2 to provide permanent access to the plot of the Petitioner Society bearing CTS No.1568 by constructing 15.25 mtr. wide Low Level DP Road from CTS No.1567 at Vile Parle (W), Mumbai.*

2. The Petitioner has prayed for the following reliefs in the above Interim Application :

“a. *That the Respondents be ordered and directed to place on record the steps taken for construction of the 1220 Development Plan Road situate at Vile Parle (West), Mumbai in compliance*

with the Order dated 13th October, 2015 passed by this Hon'ble Court in the present Writ Petition and the Order dated 25th September, 2017 passed in Writ Petition (L) No. 1935 of 2017, within a period of 2 weeks.

b. That by an Order of this Hon'ble Court the Respondents be ordered and directed to take possession of the portion of land CTS No.1567, situate at Vile Parle (West), Mumbai which is affected by 12.20mtr. D.P. Road, from the Petitioner Society.

c. That by an Order of this Hon'ble Court the Respondents be ordered and directed to take all necessary steps for construction of the 12.20 mtr. wide DP Road connecting S.V. Road with St. Francis Road at Vile Parle (West), Mumbai as provided in the Development Plan 2034 within a period of 2 months.”

3. The learned Senior Advocate appearing for the Corporation on instructions states that Annexure II will be complied with within a period of three weeks from today. The learned Senior

Advocate, on instructions further states that the possession of the plot shall be taken by the Corporation from the society within a period of six weeks from today; the 12.2 meter D.P. Road will be constructed, within six months from today; and upon completion of construction the Petitioner Society will have access to the said Road. The statements are accepted. The Petition as well as the Interim Application are accordingly disposed off.

[R.I. CHAGLA J.]

[S.J. KATHAWALLA, J.]