

KANCHAN
PRASHANT
DHURI

Digitally signed
by KANCHAN
PRASHANT
DHURI
Date: 2021.12.09
21:06:08 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12501 OF 2019

Shaikh Salim Abdul Subhan ... Petitioner

Versus

The Zilla Parishad, Solapur and others ... Respondents

.....

Mr. Sandeep Phatak for the Petitioner.

Mr. V.S. Deokar for Respondent No.1.

Ms. S.D. Vyas, 'B' Counsel for the State.

Mr. Santosh Vasant Dhotre, Addl. CEO, present.

Ms. Chanchal Rajendra Patil, Dy. CEO, present.

.....

CORAM : S.J. KATHAWALLA AND

MILIND N. JADHAV, JJ.

DATED : DECEMBER 9, 2021.

P.C. :-

1. Not on board. Upon mentioning, taken on board.
2. On 9th September, 2021, this Court passed the following Order :

“Learned Advocate representing the Zilla Parishad, Solapur, on instructions from Shri. P.D. Kadam, Executive Engineer, Zilla Parishad, Solapur, states that in view of the letter dated 17.08.1988 received by the Zilla Parishad from the State Government (Exhibit "D" to the Petition), the Zilla Parishad has decided to vacate and handover the subject premises occupied by it to the Petitioner within a period of three months from today. The statement is accepted as an undertaking given to the Court. The above Writ Petition is disposed off accordingly.”

Kanchan P Dhuri

3. The Order is breached by the Zilla Parishad, Solapur, that is, they have failed to handover premises occupied by them to the Petitioner within three months from 9th September, 2021. The Application is now made by the Zilla Parishad, Solapur for extension of time to vacate the said premises. Though we are not inclined to grant any extension, only since the CEO, Zilla Parishad, Solapur has given a written undertaking that the Zilla Parishad, Solapur will handover vacant possession of the said property to the Petitioner within one week from today i.e. on or before 16th December, 2021, the undertaking is taken on record, marked 'X' for identification and accepted. The Zilla Parishad shall handover possession of the said premises to the Petitioner on or before 16th December, 2021. It is made clear that if the undertaking is breached, the Court will direct the local police to take forcible possession of the said premises and handover the same to the Petitioner.

(MILIND N. JADHAV, J.)

(S.J. KATHAWALLA, J.)