

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4216 OF 2021

Suresh Bhurmal Jain & Ors.

.. Petitioners

Versus

Chief Executive Officer, Mhasala Taluka & Ors.

.. Respondents

-
- Ms. Indira Labde for the Petitioners
 - Mr. Milind Deshmukh a/w Mr. Shailesh Chavan for Respondent Nos. 1 and 2
 - Mr. A.I. Patel, Addl. G.P. for the State
-

CORAM : S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.

DATE : SEPTEMBER 14, 2021.

P.C.:

Pursuant to our order dated 17.08.2021, Dr. Sachin M. Pore, Chartered Civil Engineer has submitted his report and he is also present before this Court through video conferencing. He has informed us that out of 13 shops, 10 shopkeepers can start their business activities from their respective shops after carrying out the propping work as advised. In view thereof, the said 10 shopkeepers shall ensure that supports by way of propping are provided in their shops, to the satisfaction of Dr. Pore.

2. As far as 3 other shops are concerned, Dr. Pore has informed us that the same will need certain structural support / repairs to enable

the shopkeepers to carry on their business. The said shopkeepers will be at liberty to carry out the repairs / provide structural support to their respective shops under supervision and to the satisfaction of Dr. Pore and thereafter commence their businesses.

3. The fees payable to Dr. Pore as well as the cost incurred to carry out the demolition work shall be borne by the shopkeepers as well as the landlord. Copies of the bills shall be provided by the Nagar Panchayat Mhasala to the learned Advocate for the Petitioners as well as to the Advocate for the landlord.

4. The issue of tenancy shall be decided by the appropriate Court / Authority strictly on merits without being influenced by any of the orders passed by this Court in the present Writ Petition. The Writ Petition is accordingly disposed off.

[MILIND N. JADHAV, J.]

[S. J. KATHAWALLA, J.]

RAVINDRA
MOHAN
AMBERKAR
Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date: 2021.09.15
15:01:03 +0530