

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1306 OF 2021

Harry Joseph Francis

...Petitioner

V/s.

**The Municipal Corporation
of Greater Mumbai and Ors.**

...Respondents

Mr. D.S. Rajapurkar, Advocate for the Petitioner.

Mr. A.Y. Sakhare, Senior Advocate a/w. Mr. Anoop Patil a/w. Ms. Vandana Mahadik for MCGM

Mr. Jayant Vishwanath Walwatjar, Assistant Engineer (Building Proposal)C-IV.

Mr. Ganesh Dada Deshmukh, Junior Engineer (Building & Factory) 'E' Ward.

Pankajkumar Lilachand Jadhav, Assistant Engineer (Building & Factory), 'E' Ward.

Mr. G.S. Godbole i/b. Ms. Ketki Gadkari a/w. Mr. Shon D. Gadgil for Respondent No.4

**CORAM : A. A. SAYED &
S. G. DIGE, JJ**

DATED : 8TH OCTOBER, 2021

P.C.:

1. We have heard learned Counsel for the Petitioner, learned Senior Counsel for Respondent Corporation and learned Counsel for respondent No.4. Learned Counsel for the Petitioner submits that the redevelopment of the property is undertaken under section 33(7) of the Maharashtra Housing and Area Development Act, 1976, and 53 out of 57 occupants have already vacated. The said statement is not disputed. In the circumstances, we are not inclined to grant any relief to the Petitioner which would stall the entire redevelopment project.

2. We, however, grant liberty to the Petitioner to make a representation to Respondent No.1-Municipal Commissioner in respect of his grievances. If such a representation is made within ten days from today, the same shall be decided expeditiously and in any event within a period of six weeks from the date of receipt of the representation.

3. We record the statement of the learned counsel for the Petitioner, on instructions of the Petitioner, who is present in the Court, that the Petitioner shall vacate the subject premises i.e. structure/ Shop Nos. 2030 & 2029, Byculla Division, N.M. Joshi Marg, Byculla, Mumbai – 400 011 within a period of two weeks from today upon receipt of the draft in a sum of Rs.4,44,000/- @ Rs.37,000/- per month for transit accommodation of one year as also shifting charges, in addition. We accept the statement as

an undertaking to the Court. We make it clear that the Petitioner shall not be denied license of the proposed new flour mill only on the ground that the new flour mill is not an independent structure.

4. The Writ Petition is disposed of in the aforesaid terms. All contentions of the parties are kept open. Needless to state that it would open for the Petitioner and Respondent No.4-Developer to negotiate to accommodate the Petitioner's new flour mill in an independent structure at the rear side of the property.

(S. G. DIGE, J.)

(A. A. SAYED, J.)