

PMB

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

WRIT PETITION NO.777 OF 2020

Ramesh Shantaram Sane and ors.	.. Petitioners
vs.	
Municipal Corporation for Greater Mumbai	.. Respondent

Mr. S.K. Dubey for the Petitioners.

Mr. G.S. Godbole, Special Counsel a/w Mr. R.Y. Sirsikar for MCGM
I/b. Ms. Aruna Savla for Respondent.

Mr. Sanjay Londhe, Sub. Engineer (Maintenance) 'N' Ward, Mumbai
present.

**CORAM : M.S.KARNIK, J.
DATE : AUGUST 17, 2021**

P.C.

Heard learned counsel for the parties.

2. In terms of the order dated 18.11.2019 passed by this Court the Appeal has been decided by the Corporation. The Appeal is allowed and the Corporation found the Petitioner to be eligible for alternate accommodation or monetary compensation. Mr. Godbole appearing for the Corporation submits that the Petitioner will be eligible for an alternate accommodation or monetary compensation in terms of the policy and Rules. Learned counsel for the Petitioner firstly submits that his structure is not on the road and is situated on a private land which issue is not dealt with by the Corporation. Without prejudice to this submission, it is the contention of learned counsel for the Petitioner that the order passed by the Appellate Authority is vague and no details of the alternate accommodation or monetary compensation are specified by the Corporation.

3. Considering the relief prayed for in this Petition, it is now for the Petitioner to challenge the order passed in Appeal by resorting to appropriate remedies. Counsel for the Petitioners submits that he has no difficulty in approaching the Corporation for alternate accommodation or monetary compensation if the offer made is reasonable and satisfactory. In any case, if the Petitioner approaches the Corporation and is satisfied with the Corporation's proposal of the alternate accommodation or monetary compensation, the controversy will stand resolved. Mr. Godbole, learned counsel appearing on behalf of the Corporation assures this Court that if the Petitioner approaches the Assistant Engineer Maintenance or the concerned Ward Officer and co-operates, every possible effort would be made to ensure that the grievance of the Petitioner regarding grant of an alternate accommodation or monetary compensation is redressed. The Petitioner to report to either of the Officers on 18.08.2021 at 2.00 p.m. The Petitioner's case to be considered in accordance with the existing provisions governing such allotments or compensation.

4. Interim protection granted by this Court on 18.11.2019 is continued for a period of two weeks from today.

5. Keeping liberty of the Petitioner open to challenge the order passed in Appeal in the event the issue of alternate accommodation or monetary compensation is not resolved, the present Writ Petition is disposed of.

(M.S.KARNIK, J.)