

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1469 OF 2022

Ali Hasan Ramjan Rain & Ors.

....Petitioners

V/S

The Thane Municipal Corporation
through its Commissioner & Ors.

....Respondents

...

Mr. Sandeep Mishra for the Petitioners.

Mr. R.S. Apte, Senior Advocate i/b Mr. Mandar Limaye for Respondent
Nos.1 to 3-TMC.

...

**CORAM : A.A. SAYED &
ABHAY AHUJA, JJ.**

DATE : 01 APRIL 2022.

P.C.:

1 By this Petition, the Petitioners seek the following reliefs:

“a) Rule be issued on this Writ Petition.

b) The Hon’ble Court be pleased to issue a writ of Mandamus or Certiorari or any other appropriate writ, order or direction in the nature of Mandamus or Certiorari thereby to direct the Respondents through their persons not to take action of demolition in respect of the said shops as threatened dated 12/02/2022 without following due process of law.

(c) The Hon’ble Court be pleased to issue a writ of Mandamus or Certiorari or any other appropriate writ, order or direction in the nature of Mandamus or Certiorari thereby to direct the Respondents

to provide compensation in lieu of alternate permanent accommodation of the sizes of the said shops of the Petitioners to all those whose Petitioners whose premises/shops are affected under road widening scheme as per policy decision of the Respondent No.1”

2 In paragraphs 8 and 9 of the Affidavit-in-Reply of the Respondent-Corporation, it is stated as follows:

“8) I say that there are total 12 Petitioners in the titled Petition, out of that Petitioner No.5, Petitioner No.6 and Petitioner No.7 are Mohd. Ishaq Noor Mohd Riyn, Mrs. Sajida Bano Shaikh and Shabbir Ahmed Shaikh Allauddin respectively. I further say that these three Petitioners were initially utilising three residential premises for the purpose of carrying out their business and they were paying Municipal Taxes as per residential rate only. These three Petitioners have been rehabilitated in Dosti Imperial, MMRDA situated at Diva. These three Petitioners have been given keys of residential Tenament bearing No.I Wing - 1509, I Wing – 1510, I Wing – 1511. After receipt of keys, Petitioners have issued letters dated 11/02/2022, 11/02/2022, 16/02/2022 thereby inter alia confirming all three are in Possession of the respective tenaments. The necessary remaining procedural aspect will be completed shortly. Copy of letters dated 11/02/2022, 11/02/222 and 16/02/2022 are annexed hereto and collectively marked as Exhibit-III.

9) I say that as far as the rest of Petitioners are concerned, those are at Serial Nos.1,2,3,4,8,9,10,11 and 12. I further say that these Petitioners will be accommodated on the balance plot once the

development work of the same road in terms of letter dated 19/01/2022 stands completed.”

3 In view of the aforesaid statements in the Affidavit-in-Reply of the Respondent-Corporation, the Petition is worked out. Accepting the said statements, we dispose of the Writ Petition.

(ABHAY AHUJA, J.)

(A.A. SAYED, J.)

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