

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6941 OF 2022

Ramchandra R. Kanse

.. Petitioner

v/s.

The Thane Municipal Corporation & Ors.

.. Respondents

Mr.V. H. Narvekar a/w Akshay Giri for the petitioner.

Mr. Ajit R. Pitale for respondent no.1-Corporation.

Mr. Sandesh D. Patil a/w P.S. Gole for the respondent no.2 -SRA.

Mr. K.K. Malpathak for respondent no.3.

CORAM : R.D. DHANUKA &

KAMAL KHATA, JJ.

DATED : 28TH JULY, 2022.

P.C. ,

1. The matter was argued for some time. The learned counsel for the petitioner, on instructions of the petitioner, who is present in court, undertakes to vacate the existing Gala no.50 reflected at page 44 of the petition to the respondent no.1 within two weeks from today. Statement is accepted.
2. The petitioner undertakes to avail of the remedy available under Section 35 of the Slum Rehabilitation Act by filing an appeal within two weeks from today. Undertaking is accepted.

3. Learned counsel further undertakes that without prejudice to the rights and contentions of the petitioner, the petitioner would accept the Gala offered by respondent no.3 within one week from the date of the petitioner vacating the existing tenement in his possession. If the existing tenement is handed over to the respondent no.1 by the petitioner within one week from today then Gala offered to the petitioner shall be handed over to him within one week thereafter by respondent no.3.
4. It is made clear that if the petitioner does not vacate the tenement in his occupation as on date within two weeks from today, the respondent no.1 will be empowered to take forcible possession by the petitioner and if necessary with the assistance of police upon expiry of two weeks.
5. The parties will abide by the decision that would be taken by the authority under Section 35 of the Slum Rehabilitation Act.
6. Writ Petition is disposed on the aforesaid terms.
7. No orders as to costs.
8. If any appeal is filed by the petitioner under Section 35 of the Slum Rehabilitation Act, the same shall be heard expeditiously by the authority.

(KAMAL KHATA, J.)

(R.D.DHANUKA, J.)