

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10130 OF 2022

M/s. Shree Shanti Process & Ors.
V/S

....Petitioners

Thane Municipal Corporation
through Commissioner & Ors.

....Respondents

...

Mr. Saurabh Oka for the Petitioners.
Mr. Ajit R. Pitale a/w Mr. Amey A. Pitale for Respondent Nos.1 to 4.
Mr. A.A. Alaspurkar, AGP for Respondent No.5-State.

...

**CORAM: R.D. DHANUKA &
KAMAL KHATA, JJ.**

DATE : 29 AUGUST 2022.

P.C.:

1 Mr. Saurabh Oka, learned Counsel for the Petitioners on instructions states that his clients undertakes to vacate and handover the premises which are the subject matter of the impugned order within two months from today to Respondent No.1-Corporation. Undertaking is accepted.

2 Mr. Pitale, learned Counsel appearing for the Respondent Nos.1 to 4 on instructions states that the Respondent No.1-Corporation would consider the payment of compensation in terms of Transferable Development Rights (TDR)/Development Rights (DR) as per prevailing Unified Development

Control & Promotion Regulations (UDCPR), Maharashtra State, after submission of the documents alongwith the Application by the Petitioners. Statement is accepted.

3 The order that would be passed by the Respondent No.1-Corporation shall be communicated to the Petitioners within one week from the date of passing such order. The compensation that would be offered by the Respondent No.1-Corporation shall be communicated to the Petitioners within one week from the date of passing such order. The Petitioners agree to submit the documents as requisitioned by the Respondent No.1-Corporation. A copy of the email received by the learned Counsel for the Respondent Nos.1 to 4 shall be furnished to the learned Counsel for the Petitioners for information and compliance.

4 Since the Petitioners have undertaken to handover the vacant possession to the Respondent No.1-Corporation within eight weeks from today, during this period the Respondent No.1-Corporation shall not dispossess the Petitioners from the plot in question. If the possession is not handed over within eight weeks from today, the Respondent No.1-Corporation would be at liberty to take forcible possession from the Petitioners and if necessary with the assistance of the police.

5 The Writ Petition is disposed off in aforesaid terms. No order as to costs.

6 Parties to act on an authenticated copy of this order.

(KAMAL KHATA, J.)

(R.D. DHANUKA, J.)

SUDARSHAN
RAJALINGAM
KATKAM

Digitally signed
by SUDARSHAN
RAJALINGAM
KATKAM
Date:
2022.09.06
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