

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

WRIT PETITION NO. 587 OF 2022

Mohan Shankar Khilare ...Petitioner
vs.
The State of Maharashtra
Thr. The Secretary of Revenue and Forest
Department and Ors. ...Respondents

Mr. Rajaram V. Bansode a/w Ms. Sheetal Ubale - Advocate for the
Petitioner.

Mr. Vasant S. Gokhale - 'B' Panel for the Respondent Nos. 1, 3, 5, 6 and 8.

Mr. A. M. Kulkarni a/w Ms. Akanksha Helaskar – Advocate for Respondent
No. 2.

**CORAM : R. D. DHANUKA AND
S. M. MODAK, JJ.**

DATE : 22nd FEBRUARY, 2022

P. C. :-

1. Mr. Rajaram Bansode, the learned counsel for the Petitioner tenders a copy of the investigation certificate dated 14/10/2021 and states that the daughter-in-law of the Petitioner is on her family way and expects the delivery of child by 25/02/2022 and seeks three months time to vacate the structure on that ground. Copy of the investigation certificate is taken on record.

2. The Petitioner and all occupants staying in the suit structure

including daughter-in-law should vacate and handover peaceful possession to the CIDCO within three months from today without fail.

3. It is made clear that no further extension of time would be granted.

4. The undertaking given by the learned counsel for the Petitioner that Petitioner and all occupants staying in the said structure will vacate and handover peaceful possession to the CIDCO within three months from today is accepted.

5. It is made clear that within three months if the said structure are not vacated by the Petitioner and other occupants and if not handed over to CIDCO, the CIDCO would be at liberty to take possession of the said structure forcibly and if necessary with assistance of police to demolish the said structure.

6. It is made clear that in view of the undertaking given by the leaned counsel for the Petitioner, we direct the State Government to consider the claim for possession or permanent accommodation according to the Government Resolution dated 22/05/2018 and inform the Petitioner accordingly.

7. The Petitioner is also permitted to make a representation making a claim for compensation or permanent alternate accommodation within one week from today.

8. It is made clear that the claim of the Petitioner shall be decided

within 10 weeks from the date of receipt of representation of the Petitioner and shall communicate the decision to the Petitioner.

9. It is made clear that even if the said Order is adverse against the Petitioner, the Petitioner cannot refuse to handover the vacant and peaceful possession of the said structure to the CIDCO.

10. Writ petition is disposed of in aforesaid terms. No Order as to costs. Parties to act on the authenticated copy of this Order.

11. If the Petitioner is still aggrieved by the Order that would be passed by the State Government in so far as claim for compensation or permanent alternate accommodation is concerned, the Petitioner would be at liberty to file appropriate proceedings after handing over vacant and peaceful possession to the CIDCO.

[S. M. MODAK, J.]

[R. D. DHANUKA, J.]