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

VASANT
ANANDRAO
IDHOL

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Date: 2022.09.23
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WRIT PETITION NO.3909 OF 2022
(WRIT PETITION (LODGING) NO.6339 OF 2022)

Sham S. Arora ...Petitioner
V/s.

The Designated Officer,
Assistant Engineer (B & F) & Ors. ...Respondents

Mr.Nitin V. Gaware Patil for the Petitioner.

Ms.Oorja Dhond i/b Mr.S.K. Sonawane for the MCGM - Respondent
Nos.1 to 3.

Mr.Ashraf Ahmed Shaikh for the Respondent No.4.

CORAM : R.D. DHANUKA &
KAMAL KHATA, JJ.
DATE : 23RD SEPTEMBER, 2022.

P.C. :-

1. The matter is placed on board for directions on the praecipe filed by the learned counsel for the petitioner.
2. Mr.Patil, learned counsel for the petitioner states that his clients had made a request to allow his client to hand over vacant possession by 6th October, 2022 and not 26th September, 2022 as referred in paragraph 5 of the order dated 13th September, 2022. It is clarified that the date mentioned as "26th September, 2022" shall be read as "6th October, 2022".

3. It is further clarified that the petitioner's offending structure that would be handed over by the petitioner to the respondent no.4 is in compliance with the notice under section 354 of the Mumbai Municipal Corporation Act, 1888 and without prejudice to the rights of the petitioner to assert his rights of tenancy against the respondent no.4 in respect of the offending structure. The other directions issued by this Court are not modified.

4. The rival proceedings filed by the petitioner against the respondent no.4 or *vice-a-versa* would be decided on its own merits and would not be affected by factum of the petitioner's handing over possession of the offending structure to the respondent no.4 in an action under section 354 of the Mumbai Municipal Corporation Act, 1888.

(KAMAL KHATA, J.)

(R.D. DHANUKA, J.)