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

VASANT
ANANDRAO
IDHOL

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Date: 2022.10.20
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WRIT PETITION NO. 195 OF 2018

Rajkumar Khajanchi Gupta & Ors.

...Petitioners

V/s.

Municipal Corporation of
Greater Mumbai & Ors.

...Respondents

Mr. Ramanand R. Sharma for the Petitioners.

Ms. Sheetal Metakari i/b. Mr. Sunil Sonawane for the Respondent
Nos. 1 to 4 – MCGM.

Mr. Ajay R. Karuwath for the Respondent Nos. 5 to 9.

CORAM : R.D. DHANUKA &
KAMAL KHATA, JJ.
DATE : 18TH OCTOBER, 2022.

P.C. :-

1. Mr. Sharma, learned counsel for the petitioners on instructions, undertakes that his clients are ready to vacate on or before 15th December, 2022. Undertaking is accepted. It is made clear that if the petitioners continue to occupy in the offending structure, the same shall be at their own risk and shall not hold responsible the respondents if any untoward incident occurs. It is made clear that the possession would be handed over by the petitioners to the Municipal Corporation by 15th December, 2022 without fail. If the petitioners

and other occupants of the building do not handover the possession by 15th December, 2022, the Municipal Corporation would be at liberty to take forcible possession and handover the vacant possession to the owner of the building. Learned counsel for the respondent Nos. 5 to 9 on instructions states that his client would demolish the entire building within a period of eight weeks from the date of getting vacant possession from the Municipal Corporation upon the petitioners handing over vacant possession and at their own risks.

2. If the structure is not demolished by the respondent Nos. 5 to 9 within time, the Municipal Corporation is directed to demolish the offending structure within four weeks thereafter at the costs of respondent Nos. 5 to 9. It is made clear that the possession of the offending structure being handed over by the petitioners is in the action initiated by the Municipal Corporation under Section 354 of the Mumbai Municipal Corporation Act and does not amount to surrender of their rights in the premises, if any to the landlord.

3. The Writ Petition is disposed off in aforesaid terms. No order as to costs. Parties to act on the authenticated copy of this Court.

(KAMAL KHATA, J.)

(R.D. DHANUKA, J.)