

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

WRIT PETITION NO.382 OF 2023

Deepak Dayaramani and Ors.

.. Petitioners

Vs.

Ulhasnagar Municipal Corporation,

Ulhasnagar and Anr.

.. Respondents

Mr. Girish Paryani, with Mr. Vaibhav Kamble, i/by A & G Legal Associates LLP,
for the Petitioners.

Mr. Suresh M. Kamble for the Respondents.

**CORAM : SUNIL B. SHUKRE &
M.W. CHANDWANI, J.J.**

DATE : 9TH JANUARY, 2023.

P.C. :

1. Rule. Rule is made returnable forthwith. Heard finally by consent of learned counsel for the parties.

2. Although it appears to us that sufficient time has already been granted to the petitioners to prove their ownership, the petitioners have not availed of the opportunity given by this court in the earlier round of litigation initiated vide Writ Petition No.3266 of 2022, which has been disposed of on 22nd March 2022.

3. In the interest of justice, we are of the opinion that one more opportunity, by way of last chance, be given to the petitioners to prove their

ownership. This is for the reason that the impugned order has been passed only for the reason that the petitioners have failed to submit any documents of their ownership in respect of the shops they are claiming to be owners and in possession of since last several years. Of-course, the road widening work, which has been undertaken by the respondent-Municipal Corporation, will have to be carried out in accordance with law, especially when DP road indicates the width of the road to be 60 ft. and not 40 ft.

4. In case the petitioners succeed in proving their ownership claim, at the most, the petitioners would be entitled to the compensation in accordance with law. The respondent-Municipal Corporation will also have to consider this aspect of the matter after hearing the petitioners once again. Accordingly, we partly allow the petition by passing following order :-

- (i) We direct the respondents-Municipal Corporation to grant one more opportunity to the petitioners to prove their claim regarding ownership of the subject shops, for which purpose, seven days time is granted to the petitioners to submit their ownership documents to respondent no.1-Municipal Corporation.
- (ii) Thereafter, respondent no.1 shall decide the matter within seven days from the date of appearance of the petitioners before him, while treating the impugned order as show cause notice given to the petitioners.

(iii) Petitioners shall appear before respondent no.1–Municipal Corporation on 16th January 2023.

5. Rule is made absolute in the above terms. Petition is disposed of.

[M.W. CHANDWANI, J.]

[SUNIL B. SHUKRE, J.]