

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.10289 OF 2023**

M/s. Sahakar Caterers & Restaurants Pvt. Ltd.

.. Petitioner

Vs.

Deputy Commissioner,

Estate & Management & Anr.

.. Respondents

- Mr. Nitin P. Deshpande, for the Petitioner.
- Mr. Abhijit P. Kulkarni, for Respondent Nos.1 & 2-PMC.

**CORAM : SUNIL B. SHUKRE &  
RAJESH S. PATIL, JJ**

**DATE : 18<sup>th</sup> AUGUST, 2023.**

**ORAL JUDGMENT : (PER : SUNIL B. SHUKRE, J.)**

1. Not on Board. Mentioned. Upon mentioning, taken on production Board.
2. Heard. Rule. Rule made returnable forthwith by consent of the learned counsel for the parties.
3. Having regard to the terms of the lease in question particularly Clause No.10 thereof, we are of the view that now the petitioner has no right to continue to be in possession of the lease property and is under a duty and obligation to handover peacefully vacant possession of the

land to the Corporation and in doing so, the petitioner is under further obligation to remove whatever construction he has made thereupon and also to fill up the pits if he has dug them there. The term of the lease has already come to an end on 31.07.2023 and now a period of more than two weeks has already gone by and yet the petitioner has not handed over vacant possession of the land to the Corporation. However, on humanitarian ground, we grant time of further two weeks to the petitioner to handover vacant possession of the subject land in terms of Clause No.10 of the lease-deed to the Corporation. We further direct that the petitioner shall not accept any commercial bookings and shall not make any commercial use of the subject land anymore. As regards the dispute about arrears of taxes, Corporation would be at liberty to pursue its own remedy for recovery of the same in accordance with law.

4. The petition is accordingly dismissed.

5. Rule is discharged.

**[ RAJESH S. PATIL, J. ]**

**[ SUNIL B. SHUKRE, J. ]**