

Santosh

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

WRIT PETITION NO. 11981 OF 2022

**SANTOSH
SUBHASH
KULKARNI**

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KULKARNI
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Anjuman Kauser (Trust) and Ors. ...Petitioners
Versus
The Tahsildar – 2 (Special Cell) and Ors. ...Respondents

Mr. Pradeep Thorat, i/b Ms. Aditi Suresh Naikar, for the
Petitioners.

Mr. Rohan Savant, i/b Utangale & Co., for Respondent Nos.2
to 3/SRA.

Mr. Ranbir Singh, a/w Sagar Batavia, i/b Angad Giri, for
Respondent No.4.

Mr. Sandesh Patil, i/b Mr. Prithviraj Gole, for Respondent
Nos.1/AGRC.

Mr. Mateen Shaikh, a/w Mr. Sharif Shaikh, Arshad Shaikh,
Razique Shaikh and Muskan Shaikh, for Respondent
No.5.

CORAM: N. J. JAMADAR, J.

DATED : 17th MARCH, 2023

ORDER:-

1. Heard the learned Counsel for the parties.
2. The learned Counsel for the parties submit that the parties have worked out an amicable resolution of the dispute.
3. The learned Counsel seek leave to tender the Minutes of Order.
4. Minutes of Order are taken on record and marked "X".

5. The petition stands disposed in terms of the Minutes of Order ("X"), which read as under:

"1. Respondent No.4 agrees and undertakes to complete construction of the temporary alternate accommodation with respect to structure No.160 as per Annexure II being used as religious structure (Madrassa), in all respects and strictly in accordance with the approved plan and permission dated 22nd November, 2022 issued by Executive Engineer of Respondent No.2, by 23rd March, 2023, and will hand over the same to the Petitioner by 23rd March, 2023.

2. Respondent No.4 agrees and undertakes to complete construction of the temporary alternate accommodation with respect to structure no.155 as per Annexure II being used as religious structure (Masjid), in all respects and strictly in accordance with the approved plan and permission dated 22nd November, 2022 issued by Executive Engineer of Respondent No.2, by 3rd April, 2023, and will hand over the same to the Petitioner by 3rd April, 2023.

3. The Petitioner agrees and undertakes to peacefully hand over vacant possession of religious structure no.160 (Madrassa) to Respondent No.4 within 48 hours of receiving possession of the temporary alternate accommodation in respect of structure no.160 (Madrassa), as above. Respondent No.4 will be entitled to demolish the said structure forthwith, upon receipt of possession thereof, from the petitioner.

4. The Petitioner agrees and undertakes to peacefully hand over vacant possession of religious structure no.155 (Masjid) to Respondent No.4 within 48 hours of receiving possession of the temporary alternate accommodation in respect of structure no.155 (Masjid), as above. Respondent No.4 will be entitled to demolish the said structure forthwith, upon receipt of possession thereof, from the petitioner.

5. The Petitioner and Respondent No.5 agree and undertake that they will co-operate with Respondent No.4 with the above and will not cause any interference, obstruction, opposition or hurdles with the above, either themselves or through their agents, servants or representatives."

6. Respondent No.4 states that respondent No.4 would comply with the order passed by the Apex Grievances Redressal

Committee especially the direction to pay the transit rent to petitioner No.3 and 11 months rent to petitioner Nos.1 and 2.

7. In the event of disagreement over the quantum of the amount, petitioner Nos.1 to 3 are at liberty to approach the competent authority and the competent authority shall determine the quantum of transit rent to be paid to petitioner no.3 and rent to be paid to the ineligible occupants.

8. Petition stands disposed.

[N. J. JAMADAR, J.]