



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

WRIT PETITION NO. 12275 OF 2023

Jawan Jawaharji Tuhar and Ors.. .. Petitioners

Versus

Mira Bhayander Municipal Corporation
and Ors. .. Respondents

Mr.Ashutosh Gole , Advocate for the Petitioners.

Mr.N.R. Bubna, Advocates for Respondent-Corporation.

Ms.Deepti Kale (Power of Attorney Holder of Petitioner No. 10) present in the Court.

**CORAM : B. P. COLABAWALLA &
M.M. SATHAYE, JJ.**

DATE : OCTOBER 07, 2023

P. C.

1. Not on board. With the consent of parties taken on board and heard finally.

2. The above Writ Petition is filed seeking the following reliefs.

“(a) That writ of mandamus or writ in the nature of mandamus or any other appropriate writ be issued, and the Respondent No. 1 be directed to

issue area certificate to each of the Petitioners/tenants/occupants of the said building prior to its demolition pursuant to notice dated 28/08/2023 issued by the Respondent No. 1 (Exhibit E).

(b) That writ of mandamus or writ in the nature of mandamus or any other appropriate writ be issued, and the Respondent No. 1 be directed not to implement the 28/08/2023 issued by the Respondent No. 1 (Exhibit-E) for sufficient time so as to allow the Petitioners to remove their belongings from the tenements in their possession and occupation”

3. As far as prayer clause (a) is concerned, the learned Counsel appearing on behalf of the Petitioners has stated that the said prayer would not survive, because the area certificate has already been issued as contemplated in the said prayer. As far as prayer clause (b) is concerned, the learned counsel appearing on behalf of the Petitioners, on instructions, requested that if the Petitioners are given 2 weeks time, they will vacate their respective premises. The said statements are accepted as undertakings given to the Court.

4. The learned Counsel appearing on behalf of the 1st Respondent-Corporation, submitted that if these statements are accepted as undertakings given to the Court, some time could be

granted to the Petitioners. He however insisted that no further extension should be sought.

5. In these circumstances, we direct that as per their statements and which are accepted as undertakings given to the Court, the Petitioners shall vacate their respective premises on or before 21/10/2023 and shall hand over the same to the 1st Respondent so as to enable it to carry out the work of demolition.

6. The learned advocate appearing on behalf of the Petitioners has further given an undertaking that they will not ask for further extension of time under any circumstances whatsoever. The said undertaking is also accepted as an undertaking given to the Court.

7. If the Petitioners do not comply with the aforesaid directions and vacate their respective premises by 6.00 p.m. on 21/10/2023, the 1st Respondent is at liberty to forcibly remove the Petitioners with the assistance of Police and also disconnect facilities such as power and electricity supply, water etc.

8. It is needless to clarify that if there is any untoward incident in relation to the structures (which are to be demolished), it is the Petitioners who shall be solely responsible for the same and the 1st Respondent-Corporation shall not be held liable in relation thereto.

9. The Writ Petition is disposed of in the aforesaid terms. However, there is no order as to costs.

10. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[M.M. SATHAYE, J.]

[B. P. COLABAWALLA, J.]