

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2261 OF 2021

Hussainali K. Rajani ..Petitioner

Versus

State of Maharashtra & Ors ..Respondents

ANJALI
TUSHAR
ASWALE

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Date: 2023.08.08
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Mr.Cyrus Ardeshir, with *Mr.Viraj Jadhav i/b Chinmaya Acharya, Advocates for the Petitioner.*

Mr.Himanshu Takke, AGP, for the State.

Mr.Saket Mone, with *Ms. Shrushti Thorat i/b Vidhii Partners, Advocates for Respondent No.5-MMRDA.*

**CORAM : B. P. COLABAWALLA, J &
M. M. SATHAYE, JJ.**
DATE : AUGUST 8, 2023

P.C.

The present Writ Petition is filed challenging the Award dated 29th January, 2020 passed by Respondent No.3. Mr. Ardeshir, the learned counsel appearing on behalf of the Petitioner fairly stated that the issues raised in the present Petition are largely covered by the order dated 5th July, 2023 passed by the Co-ordinate Bench of this Court in Writ Petition (L) No.1066 of 2023.

2 Considering the fair stand taken by the learned counsel for the Petitioner, we dispose of the above Writ Petition with a direction that all actions by MMRDA will be taken in accordance with the impugned Award dated 29th January, 2020.

3 The Writ Petition is accordingly disposed of. No order as to costs.

4 At this stage, Mr. Ardeshir, the learned counsel appearing on behalf of the Petitioner submitted that considering that the Petitioner, being an elderly person who is not either challenging the Award or the order passed by us today, requires eight weeks time to vacate the premises, in relation to which the Award is passed. Considering these peculiar circumstances, we direct that the Petitioner shall vacate his premises and handover the same to MMRDA on or before 7th October, 2023. If for any reason the Petitioner does not vacate the premises on or before the said date, MMRDA will be entitled to take possession by physically dispossessing the Petitioner with the help of Police, if necessary.

5 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].