

Wadhwa

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 9501 OF 2024
IN
WRIT PETITION NO. 11126 OF 2023

Shaukar Anwar Mithani	...Applicant
<i>In the matter between</i>	
Shaukar Anwar Mithani	...Petitioner
<i>Versus</i>	
The Member Secretary, Planning & Development Authority & Ors	...Respondents

**Mr RS Apte, Senior Advocate, i/b SC Wakankar, with Mayuresh
Lagu & Aishwarya Bapat & Sagar Patil, for the Applicant-
Petitioner.**

**Mr Harsh P Dedhia, with Shantanu Thorat, h/f HS Venegavkar, for
the Respondent-UT.**

**CORAM M.S. Sonak &
 Kamal Khata, JJ.**
DATED: 28th June 2024

PC:-

1. Learned counsel appearing for the Daman Administration files joint inspection reports in compliance with our order dated 25th June 2024. The learned counsel for the Petitioner files an Additional Affidavit.

2. Mr Apte agrees that the Petitioner was allowed to remove the cars and certain other materials after the property was de-sealed. He also accepts that the Petitioner was allowed to remove the fruits from about five to six trees.

3. Mr Apte, however, submits that to complete the removal of all the fruits from the farm and to cover the belongings with tarpaulin or similar material that cannot be taken away, the Petitioner would require about four weeks. Therefore, submits that the seals be removed for four weeks at a stretch to enable the Petitioner to complete this work.

4. In the alternate, Mr Apte submits that the seals be removed for one week starting today. During this one week, the Petitioner will try to complete most of the work. He, however, submits that an additional three weeks would be necessary to remove the fruits and clean the farm. He submits that for this, the Petitioner would give a 48-hour notice to the authorities to remove the seals.

5. Learned counsel for the Daman Administration states that the seals would be tried to be opened today itself. However, suppose it is impossible today, by tomorrow morning at 10.00 a.m., the seals will be positively removed, and the officers will remain at the site for a week from either today or tomorrow so that the Petitioner is able to complete most of the works. He states that for a period of three weeks after the expiry of this one week, the officials will report at the site upon receipt of 48 hour notice from the Petitioner, remove the seal and facilitate the removal of fruits and the cleaning of the farm.

6. Accordingly, we place the main Petition and the Interim Application for further consideration on 12th August 2024.

7. Mr Apte states that the Petitioner has already given an undertaking to this Court that no construction will be undertaken without the leave of this Court. The petitioner must abide by this undertaking.

(Kamal Khata, J)

(M.S. Sonak, J)