

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 340 OF 2024

Parvatibai Shankar Kamble

... Petitioner

Versus

1. The Controller of Accommodations
& 7 Ors.

... Respondents

Ms. Priya Chaturvedi i/b Law Origin and Solicitors, for the Petitioner.

Mr. Himanshu Takke, AGP for Respondent No.2-State

Mr. Ravikant Shravan Kamble- Respondent No.3 present in-person.

CORAM: **G. S. KULKARNI &
SOMASEKHAR SUNDARESAN, JJ.**

Date : 25 June, 2024

P.C.

1. Not on Board. Mentioned. Taken on Production Board on an oral application by Respondent No.3-Shri Ravikant Shravan Kamble.
2. A Co-ordinate Bench of this Court of which one of us (G.S. Kulkarni, J.) was a member, passed a detailed order on the present proceedings on 11 June, 2024, whereby considering the gross facts of the case, Respondent Nos.3 to 8 were directed to vacate the premises in question, namely, Room No.182, Fourth Floor, Gwaliorwala Building (Shivneri), Shinde Wadi, Dadasaheb Phalke Road, Dadar (East), Mumbai 400 015, on or before 24 June 2024 and

in the event, possession of the premises in question was not be handed over by Respondent Nos.3 to 8 to Respondent No.1, Respondent No.1 was permitted to forcibly evict Respondent Nos.3 to 8 and for which even assistance from the Officer-in-charge of the local Police Station was permitted. An Eviction Report in that regard was to be placed on record. There are certain other directions which are not relevant in the context of today's application as moved by Respondent No.3 which we shall consider on the adjourned date of hearing.

3. Today, Respondent No.3 -Shri Ravikant Shravan Kamble is before the Court to contend that he is being evicted as per the orders passed by this Court and the officers of Respondent No.1 are at the site. He submits that he is ready and willing to vacate the premises. He has explained some of his difficulties to vacate, however, he requires some time to vacate the premises. Although, in the facts of the case, such a request as made by Respondent No.3-Shri Ravikant Shravan Kamble ought not to be accepted, only as a matter of indulgence, some more time can be granted, was the suggestion as made to Respondent No.3 on his oral application as made in the morning session. Respondent No.3 has stated that Respondent Nos.4 to 8 are not residing at the premises and only he, along with his son Vinit Ravikant Kamble, aged 28 years, are in occupation and possession of the premises. We accept such statement made by Respondent No.3. Respondent No.3 has stated that he along with his son are ready to vacate the premises within 15 days from today. He states that he will place on

the record of the Court an undertaking that they shall vacate the premises in question and hand over peaceful possession of the premises in question to Respondent No.1, within 15 days from today, i.e., on or before 9th July, 2024. To enable Respondent No.3 to do so, we passed over the proceedings to be called out in the second session. In the second session, a written undertaking on solemn affirmation is tendered by Respondent No.3-Ravikant Shravan Kamle, which is also on behalf of his son Vinit Ravikant Kamble. The undertaking is to the following effect :

1. I say that I am residing on the aforesaid premises alongwith my son namely Shri Vinit Ravikant Kamble, aged 28 years. I further say that except me and my said son, the other Respondent Nos. 4 to 8 are not occupying aforesaid premises.

2. I hereby undertake to this Hon'ble Court that I shall hand over quite, vacant and peaceful possession of the aforesaid premises, i.e., Room No.182, Fourth Floor, Gwaliorwala Building (Shivneri), Shinde Wadi, Dadasaheb Phalke Road, Dadar (East), Mumbai – 400 014 to the Respondent No.1 within 15 days from today (25.06.2024). This Hon'ble Court be pleased to accept the present undertaking on behalf of me and my son namely Shri Vinit Ravikant Kamble, aged 28 years that on or before 09.07.2024, I will hand over possession of the aforesaid premises to the Respondent No.1.

4. Such undertaking tendered by Respondent No.3 is taken on on record and marked 'X' for identification. We accept the undertaking as tendered by Respondent No.3 and direct that Respondent No.3 shall abide by his

undertaking as given to the Court and hand over the vacant and peaceful possession of the premises in question to Respondent No.1 on or before 9th July, 2024, failing which the directions of this Court in order dated 11th June, 2024 shall instantly operate and the officer of Respondent No.1 shall be permitted to take immediate action to evict Respondent No.3 and his son, as directed. It is clarified that considering the seriousness of the matter, no request for extension of time to vacate the premises for any reason whatsoever shall be entertained.

5. We further note that there is a direction in paragraph 14(iv) of the order dated 11 June, 2024 which the Respondent No.1-Controller of Accommodation would be required to comply with, and place on record an affidavit to that effect on or before 8 July, 2024. We shall consider such affidavit at the adjourned date of hearing. Accordingly, we adjourn the proceedings to **10th July, 2024**, to be listed on the Supplementary Board.

6. Parties to act on an authenticated copy of the order.

(SOMASEKHAR SUNDARESAN, J.)

(G. S. KULKARNI, J.)