

Darshan Patil

DARSHAN
PRAKASH
PATIL

Digitally signed
by DARSHAN
PRAKASH
PATIL
Date:
2024.06.24
11:05:01 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2726 OF 2024

Kardhar Jewellers and Ors. ...Petitioners
Versus
The Municipal Corporation of Greater Mumbai ...Respondents
and Ors.

ALONG WITH
WRIT PETITION NO. 3011 OF 2024

Ramesh R. Jain and Ors. ...Petitioners
Versus
The Municipal Corporation of Greater Mumbai ...Respondents
and Ors.

Ms Mona Vyas, *for the Petitioners in both Writ Petitions.*
Mr Milan Desai, *for Respondent No.5 in both the Writ Petitions.*
Mr Amrut Joshi, *a/w Ms. Leena Shah, Mr. Dipen Furia i/b M/s Shah*
and Furia Assoc. for Respondent No.6.
Mr Smita Tondwalkar, *for Respondent-MCGM.*
Mr Shingane, *B.L. AE(B&F) P/S (I/C)*

CORAM M.S. Sonak &
Kamal Khata, JJ.
DATED: 21st June 2024

PC:-

1. Heard learned counsel for the parties.

2. Mr. Tondwalkar learned counsel for the BMC states that some temporary permission was granted to the fifth respondent to put up temporary structures. She states that this permission expired on 24th September 2023 and after that date fifth respondent was required to remove these temporary structures. Since he has not removed these temporary structures BMC will proceed with its action of demolishing these temporary structures.

3. Mr. Milan Desai learned counsel for the fifth respondent based on the instructions from the fifth respondent who is present in the Court now states that the fifth respondent will himself remove these structures within 3 weeks from today i.e. on or before 12th July 2024 and not carry out any activities through these structures. This statement is accepted as an undertaking to this Court.

4. If for any reason this statement is not complied with, the BMC must at the end of the third week demolish the structures at the cost and consequences of the fifth respondent. This shall be in addition to the proceeding that will have to be initiated against the fifth respondent for breach of the undertaking now given to the Court.

5. The learned counsel for the petitioner and respondents No. 5 and 6 agree that the parties whom they represent would meet within 2 weeks and exchange proposals for redevelopment of the property/building on the plot which is the subject matter of this petition. We think that it would be in the interest of all parties if they exchange some agreements on this issue of redevelopment, so that, the interests of all the parties are suitably protected.

6. We are placing this matter for further consideration on 18th July 2024 to enable the fifth respondent and BMC to report compliance and apprise this Court on the status of the redevelopment.

7. Learned counsel for the sixth respondent points out that in addition to the petitioner, there are certain other lessees and if possible even they will be involved in the negotiations. Learned counsel for the sixth respondent also states that after the plot is cleared of the construction even the sixth respondent will not start with any activity on the said plot until further orders.

8. The petitioner is granted liberty to implead additional parties/lessees. Learned counsel for respondent No. 6 states that he will furnish names of such parties to the learned counsel for the petitioner by 28th June 2024.

9. Stand over to 18th July 2024.

(Kamal Khata, J)

(M.S. Sonak, J)