

Ghuge

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

**FIRST APPEAL NO.280 OF 2014
WITH
CIVIL APPLICATION NO.822 OF 2013**

Municipal Corporation of Greater
Mumbai ... Appellant

V/s.

Yusuf Rahimatulla Khandwani and Ors ... Respondents

Mr. J. Reis with Mr. Mayuresh Nagle with Mr. Santosh
Parad for the appellant/MCGM.

Mr. Pawar from Maintenance Dept. of K/W Ward
Present in Court.

Mr. Girish B. with Mr. Krushna Kedia with Mr. Manoj
Agre for the respondent Nos.1 to 3.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 27, 2023

P.C.:

1. The appeal arises out of decree directing appellant/ Corporation to hand over a plot admeasuring 60 x 35 sq.ft. In lieu of handing over of premises admeasuring 60 x 35 sq.ft, record indicates that property of the respondent plaintiff was acquired in the year 1965. By communication dated 9th October, 1975, the Corporation agreed to allot a plot admeasuring 60 x 35 sq.ft. Writ Petition for enforcement of right conferred under the provisions of Land Acquisition Act, 1894 was disposed of granting liberty to the plaintiff to file the suit.

2. In a suit filed for enforcement of such rights, the impugned decree has been passed. Learned Senior Counsel appearing for the Corporation states that Corporation will consider allotment of one or two premises totally admeasuring 1000 sq.ft (commercial) in the nearby locality.
3. Learned advocate for the plaintiff states that he will put this suggestion to his clients and would consider the offer.
4. Learned Senior Counsel states that the Municipal Corporation shall consider providing such commercial premises admeasuring 1000 sq.ft constructed area as a tenant of Corporation on usual terms and conditions.
5. Since the Municipal Corporation is a public body it is expected that Corporation must act fairly. It is high time now that the compensation agreed in the year 1965 is yet to be paid to a citizen.
6. In that view of the matter, the decision about the allotment of alternative accommodation shall be taken within a period of Three (3) weeks from today.
7. List the First Appeal on **20th March, 2023** under the caption **“Part Heard”**.

(AMIT BORKAR, J.)