

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 723 OF 2016

Sukhakarta SRA Co-op. Housing Society Ltd. ..Petitioner.
Vs.
The State of Maharashtra & ors. ..Respondents

Mr. M.S. Surana, for the Petitioner.

Mr. U.S. Upadhyay, AGP, for the Respondent Nos. 1 to 4.

Mr. A.U. Patil, for the Respondent Nos. 5, 6, 7.

Mr. Parag M. Shah, for the Respondent No. 9.

Mr. M.J. Bhatt, for the Respondent No. 8.

Mr. S.R. Paranjpe, Commissioner appointed.

CORAM : R. M. SAVANT &
SMT.SADHANA S. JADHAV, JJ
DATE : 3rd AUGUST, 2017

P.C.

1 The Court Commissioner Shri S.R. Paranjpe, the First Assistant Master of this Court has submitted his reports dated 4/7/2017 and 5/7/2017. The said reports are of the said two dates as the demolition in question was carried out on both the days. The said report concludes thus :

Para-5

“I respectfully further submits that as stated in the order, the 42+7(49) structures were demolished by using JCB and Poclain with 30 manual labours, in my presence and under my supervision by the Dy. Collector (enc/removal), Bhandup with the

adequate security of police. I respectfully further submit that the said demolition work was carried-out on 4th and 5th July, 2017 from 11.00 a.m. till 6.15 p.m.

2 The learned Counsel appearing on behalf of the Petitioner and the learned Counsel appearing for the Respondent No. 9 do not dispute the position that the structures in question have been demolished and therefore, the Order dated 19/1/2017 has been complied with. In view of the Court Commissioner's report, no further directions in so far as the demolition is concerned are required to be issued.

3 The learned Counsel appearing on behalf of the Petitioner states that the Petitioner Society would like to put a fencing/compound wall around the plot of land in question for which they require police assistance. If that be so, they are at liberty to file an appropriate application.

4 The Commissioner to be paid over the amount of Rs. 5,000/- which was directed to be deposited by the Order dated 27/6/2017 and which amount has been deposited by the Respondent No. 9. The Commissioner would be at liberty to withdraw the said amount.

[SMT.SADHANA S. JADHAV,J]

[R.M.SAVANT, J]