

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

IA 6/2008 in  
Petition(s) for Special Leave to Appeal (Civil) No(s).9024/2008

(From the judgement and order dated 14/03/2008 in WP No. 19/1990  
of The HIGH COURT OF BOMBAY)

FALI PIROZSHAH BOMANJI(D) THR.LRS.& ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(Appln(s) for directions)

Date: 29/01/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE TARUN CHATTERJEE  
HON'BLE MR. JUSTICE V.S. SIRPURKAR

For Petitioner(s) Mr. Soli K. Cooper, Adv.  
Ms. Perreira, Adv.  
Ms. Manu Aggarwal, Adv.  
Ms. Pragya Ohri, Adv.  
Ms. Manik Karanjawala, Adv.

For Respondent(s) Mr. Pallav Shishodia, Sr. Adv.  
Mr. Atul Y. Chitale, Adv.  
Ms. Shweta Mazumdar, Adv.  
Ms. Suchitra A. Chitale, Adv.  
(For applicant-respondent no.5)

Mrs. Anil Katiyar, Adv.  
Mr. E.C. Agrawala, Adv.

UPON hearing counsel the Court made the following  
ORDER

With the consent of the parties, Interlocutory  
Application No.6 of 2008 is disposed of on the following terms and  
conditions:

1) The Respondent no.5 shall be entitled to widen the nalla from  
12 metres in the west to 18 metres in the east. The widening  
shall as far as possible be done on the northern side.

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SLP(C)No.9024/2008 contd...

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- 2) The Respondent no.5 shall be entitled to construct a kachcha road (without asphalt) to the extent of 4 metres width from the widened nalla on the southern side.
- 3) The Petitioners shall be entitled to construct a fence on the southern side at a distance of not less than 7 metres from the widened nalla boundary.
- 4) The Petitioners shall also be entitled to place gates at the eastern and western end of the kachcha road and the Respondent No.5 shall enter upon the same after prior intimation to the Petitioners.
- 5) The Respondent No.5 shall abide by the conditions mentioned in the second last para of their letter

No.Dy.ChE/10419/SWD/ES dated 23.01.2009.

- 6) This order is without prejudice to the rights and contentions of the Petitioners including regarding the non-production of salt due to the affecting of water table/salinity.

(A.D. Sharma)  
Court Master

(Phoolan Wati Arora)  
Court Master