

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).10133/2017

(Arising out of impugned final judgment and order dated 10-02-2017
in PIL No.10/2016 passed by the High Court of Bombay)

HAJI ALI DARGAH TRUST

Petitioner(s)

VERSUS

SAHAYAK, A SOCIO LEGAL AND EDUCATIONAL FORUM & ORS.Respondent(s)
(With appln.(s) for impleadment, for modification of Court's orders
dated 13.04.2017 and 09.05.2017 and for exemption from filing O.T.
and with prayer for interim relief)

Date : 03-07-2017 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s)	Mr. Raju Ramachandran, Sr. Adv. Mr. Huzefa Ahmadi, Sr. Adv. Mr. Faisal Farook, Adv. Mr. Shubail Farook, Adv. Ms. Priya Puri, AOR Mr. Ranjay Kr. Dubey, Adv. Mr. Ishwar Mohanty, Adv. Mr. Kshitij Kumar, Adv. Mr. Swatantra Rai, Adv.
For Respondent(s) Nos.5 & 6	Mr. Shekhar Naphade, Sr. Adv. Mr. P.B. Naik, Adv. Mr. Ashish Wad, Adv. Ms. Paromita Majumdar, Adv. Ms. Sukriti Jaggi, Adv. For M/s. J.S.Wad & Co., AOR
No.1	Mr. Venkita Subramoniam T.R., AOR
State of Maharashtra	Mr. Nishant R. Katneshwarkar, Adv.
Impleading party	Mr. Sandeep S. Deshmukh, Adv. Mr. Shaikh Shafi Ahmed, Adv.

UPON hearing the counsel the Court made the following
O R D E R

SLP(C)No.10133/2017 :

1. Mr. Ashok Haribhau Mundhe, Deputy Collector (Encroachment/Removal) is present in Court in-person. It is his contention, that in terms of the impugned order passed by the High Court, the removable encroachment was the one expressed in the notice dated 22.3.2017, issued by the Deputy Collector (E/R), Colaba, Mumbai.

2. During the course of hearing, learned counsel representing the Haji Ali Dargah Trust acknowledged the above position, and affirmed, that the removable encroachment is the same as was depicted in the notice dated 22.3.2017, which measures 908 square meters. It was further submitted, that the petitioner-Haji Ali Dargah Trust, had no objection to the removal of the encroachment in terms of the above notice dated 22.3.2017.

3. In view of the above, the Deputy Collector (E/R) present in Court in-person, is directed to remove the above encroachment, within the period of two weeks, whereby, the entire encroached area of 908 square metre, as has been depicted in the notice dated 22.3.2017, shall be cleared.

4. List after two weeks.

5. Mr. Ashok Haribhau Mundhe is directed to remain present in the Court on the next date of hearing, with a clear understanding, that serious consequences will follow in case the above directions are not complied with.

I.A.No.43446/2017 :

1. We find no justification to grant any injunction in favour of the applicants because they are not able to establish their right to the foreshore land over which they have possession. They are, accordingly, hereby

directed to clear the encroachment forthwith, failing which they shall be forceably evicted therefrom, in continuation of the order passed by this Court on 9.5.2017, and the encroachment shall be cleared.

2. In view of the above, we find no justification to implead the applicants and, as such, the instant application for impleadment is dismissed.

(Sarita Purohit)
Court Master

(Renuka Sadana)
Assistant Registrar