

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 (Civil) No(s).1190-1192/2011

(From the judgement and order dated 13/12/2010 in NM No. 677/2010 & NM No. 678/2010 & NM No. 679/2010 in PIL No. 158/2006 of The HIGH COURT OF BOMBAY)

V.A.AKSHAY COOP.HNG.SOCIETY LTD.& ORS ETC.

Petitioner(s)

VERSUS

DISHA & ORS.ETC.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment and with prayer for interim relief and office report)

Date: 14/01/2011            These Petitions were mentioned today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN

HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s)            Mr. Mukul Rohtagi, Sr. Adv. (MENTIONED BY)  
   Mr. Mahesh Agrawal, Adv.  
   Mr. E.C. Agrawala, Adv.

For Respondent(s)  
r-4                                    Mr. Chirag M. Shroff, Adv.

UPON being mentioned the Court made the following

O R D E R

Issue notice.

All the petitioners have furnished undertakings in the form of respective affidavits, unconditionally undertaking to remove unauthorized portions in their respective tenements within the time as may be granted by this Court, failing which, they will not object to Maharashtra Housing and Area Development Authority (MHADA)/Municipal Corporation demolishing unauthorized portions in the respective tenements. We take the undertakings on record and direct that till 30th April, 2011, MHADA/Municipal Corporation shall not take any action for demolition of the unauthorized constructions. However, if by 30th April, 2011, the petitioners fail to demolish the unauthorized portions, as pointed out in the show cause notices issued by the Municipal Corporation,

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Mumbai, it will be open to the said authorities to demolish all the unauthorized portions/unauthorized structures existing in the tenements in the occupation of the noticees forthwith, without further notice to them. It is pointed out by learned counsel for the petitioners that some demolition action has taken

place in the vicinity. We order that if any portion(s) of the tenements in the occupation of the petitioners has been demolished, they will not reconstruct or repair the same. The petitioners are also restrained from carrying out any construction in the subject premises.

Be it known to all the petitioners that no Court shall grant further extension for removal of unauthorized structures.

(VINOD LAKHINA)  
Court Master

(KUSUM GULATI)  
Court Master