

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.490 OF 2015

Mathura Bhavan CHS Ltd.	... Petitioners
v/s	
The State of Maharashtra and others	... Respondents

Mr Arshad Shaikh with Mr Abdul Bari Ansari for Petitioners.
Mr V.S. Tiwari, AGP for Respondent No.1.
Mr V.M. Parshurami for Respondent Nos.2 and 3.
Mr Nilesh Ukey for Respondent Nos.5 to 14 and 16.
Mr Manoj M. Kadam for Respondent No.21.
Mr Sachin Pawar for Intervener.

**CORAM: V.M. KANADE &
B.P. COLABAWALLA JJ.**

DATE : 15TH JULY 2015

P.C.:-

1. By this Petition filed under Article 226 of the Constitution of India, the Petitioners are seeking direction against Respondent Nos.2 and 3 to act upon the notice dated 12th September 2012 which is annexed to Exh.'U' to the Petition. Preliminary objection has been raised by the learned counsel appearing on behalf of the Respondent Nos.5 to 14 and 16. It is submitted that the Memorandum of

Understanding has already been acted upon. Secondly, it is submitted that some of the Respondents have expired. Thirdly, it is submitted that the condition of the building is not dilapidated as can be seen from the independent inspection / audit report which was submitted by V.J. Joshi and Associates, Consulting Structural Engineers.

2. On the other hand, the learned counsel appearing on behalf of MHADA placed show cause notice dated 14th July 2014 and states that appropriate decision will be taken in accordance with law. In view of this statement, nothing survives in this Petition. Needless to state that if any adverse order is passed against the Petitioners or the Respondents, they are at liberty to challenge the same.

(B.P. COLABAWALLA, J.)

(V.M. KANADE J.)