

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.1527 OF 2013

Babulal G. Hingade and anr. ...Petitioners.

vs./

The Municipal Corporation for Gr. Mumbai
and others. ...Respondents.

Mr/.A.G.Damle,Sr. Advocate i/by Ashok Kumar Mishra for the
Petitioner.

Mr.Ram Apte, Sr. Advocate with Mrs. Shobha Ajitkumar for the
Respondent BMC.

**CORAM : A.S.OKA AND
A.P. BHANGALE, JJ.**

DATE : 30TH MARCH, 2015

PC:

The substantive challenge in this petition under Article 226 of the Constitution of India is only to the structural audit report. A writ Court cannot go into the merits of structural audit report. The report is by an expert. Moreover, various disputed questions of fact arise. Learned counsel for the petitioner states that subsequently various actions have been taken by the Municipal Corporation on the basis of the said report. If that be

so, the petitioner will have to challenge those alleged actions in accordance with law. The petition as it stands is misconceived and cannot be entertained.

2) Accordingly we dispose of the petition by granting liberty to the petitioner to file a substantive writ petition for challenging actions initiated by Municipal Corporation. To enable them to do so, ad interim relief granted by this Court earlier is continued for a period of 4 weeks from today. All contentions of the parties are kept open.

(A.P. BHANGALE, J.)

(A.S. OKA, J.)