

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

WRIT PETITION (L) NO.2493 OF 2014

Dr.Vinayak Khandeparkar & Ors. ... Petitioners

Vs.

The Municipal Commissioner
Municipal Corporation of Greater Mumbai & ors. ... Respondents

WITH
CHAMBER SUMMONS (L) NO.31 OF 2015
IN
WRIT PETITION (L) NO.2493 OF 2014

Kishore Ramchandra Bhende & Ors. ... Applicants/Interveners

IN THE MATTER BETWEEN

Dr.Vinayak Khandeparkar & Ors. ... Petitioners

Vs.

The Municipal Commissioner
Municipal Corporation of Greater Mumbai & ors. ... Respondents

Mr.Rizwan Merchant i/b Asad Bukhari for the Petitioners
Ms.Shobha Ajithkumar for Respondent Nos.1, 2 & 3
Mr.PK. Samdhani, Sr. Advocate a/w S.R. Singh for Resp. No.5
Mr.Anil Yadav for the Applicant in Support in CHS(L) No.31 of 2015

CORAM: **SMT. VASANTI A. NAIK &
SHRI C.V. BHADANG, JJ.**

DATE: **4th FEBRUARY, 2015**

P.C.:

It is stated on behalf of the petitioner that since the structure is C1 category structure, in view of the judgment dated 23.6.2014 in Writ

Petition (L) No.1135 of 2014, the necessary procedure needs to be completed in furtherance of the guidelines laid down in paragraph 9 of the judgment.

We accept the submission made on behalf of the petitioner and direct the petitioner to submit the report of the structural engineer appointed by the petitioners to the respondent – Corporation, within a period of 15 days. Since the respondent No.5 – owner has already submitted the report of the structural engineer i.e., VJTI to the respondent – Corporation, the same may be considered by the Corporation. After considering the reports submitted by the petitioner and the respondent No.5, the TAC should carry out the inspection and tests as laid down in clauses d(i) and d(ii) in paragraph 9 of the judgment. The aforesaid procedure should be completed by the Corporation as early as possible and a decision should be positively taken within a period of 8 weeks.

The order of status quo would continue till the Corporation takes a decision in the matter. We make it clear that the petitioners would be occupying the premises at their risk and costs.

With the aforesaid observations and directions, the writ petition is disposed of with no order as to costs.

In view of the disposal of the writ petition, the Chamber Summons would not survive and the same is disposed of accordingly.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)