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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.233 OF 2015 IN
WRIT PETITION (L.) NO.1918 OF 2015**

Ajay Kumar Seth	... Applicant
<u>In the matter between</u>	
Bhagvatiben Panchal and Ors.	... Petitioners
Versus	
State of Maharashtra and Ors.	... Respondents

**WITH
CHAMBER SUMMONS (L.) NO.346 OF 2015 IN
WRIT PETITION (L.) NO.1918 OF 2015**

Zeena Shoyal Supriwala and Anr.	... Applicants
<u>In the matter between</u>	
Bhagvatiben Panchal and Ors.	... Petitioners
Versus	
State of Maharashtra and Ors.	... Respondents

Mr. Joseph Fernandes, for the Applicant in Chamber Summons No.233 of 2015.

Mr. Abdul Bari Ansari, for the Applicants in Chamber Summons (L.) No.346 of 2015.

Mr. Sanjiv R. Singh, for the Petitioners.

Mrs. Geeta Jogalekar, for the Respondent – BMC.

Mr. Bhavin R. Bhatia, for Respondent Nos.7 and 8.

**CORAM : A.S. OKA &
V.L. ACHLIYA, JJ.**

DATE : 2nd SEPTEMBER, 2015

PC.

. Heard the learned counsel appearing for the Applicants in Chamber Summons No.233 of 2015. The Applicant is claiming to be a tenant in respect of the shop in the building subject matter of the Writ Petition. When we made a query to the learned counsel appearing for the Applicant whether the Applicant is supporting the notice issued under Section 354 of the Mumbai Municipal Corporation Act, 1888 which is the subject matter of challenge in the main petition, he submits that the Applicant does not want to support the notice but his grievance is that notice is not served upon him. From the averments made in the affidavit in support and in particular paragraph 8, the Applicant in Chamber Summons No.233 of 2015 wants to agitate some issues regarding proposed redevelopment of the property. If the Applicant is aggrieved by the notice under Section 354 which is the subject matter of challenge in the Writ Petition, it is for him to adopt appropriate remedy for challenging the said notice. Applicant is neither a necessary nor a proper party to the Writ Petition.

2. As far as Chamber Summons (L.) No.346 of 2015 is concerned, the learned counsel appearing for the Applicants states that the Applicants are not supporting the notice under Section 354 of the Mumbai Municipal Corporation Act, 1888 which is the subject matter of challenge in the Writ Petition. From the averments made in paragraph

5 of the affidavit in support, we find that some dispute is raised by the Applicants on the ground that the landlords are not executing Alternate Accommodation Agreement with the Applicants. This grievance has nothing to do with the subject matter of the Writ Petition. If the Applicants have any grievance against the landlords, it is for them to adopt appropriate remedy.

3. Subject to what is observed above, we pass the following order :-

ORDER

- (i) Chamber Summons No.233 of 2015 and Chamber Summons No.346 of 2015 are rejected. The remedies of the Applicant are kept open. Place Writ Petition (L.) No.1918 of 2015 on 1st October, 2015 in the category of fresh matters. Reply shall be filed by the Municipal Corporation within a period of four weeks from today placing on record the material on the basis of which the Municipal Corporation has come to the conclusion that the building in question needs to be pulled down;
- (ii) Ad-interim relief granted earlier to continue till the next date.

(VL. ACHLIYA, J)

(A.S. OKA, J)

Certified to be true and correct copy of the original signed Judgment/order.