

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

**WRIT PETITION NO. 904 OF 2014**

|                                           |   |                    |
|-------------------------------------------|---|--------------------|
| <b>Shri Nimesh Kishor Mehta and Anr.</b>  | } | <b>Petitioners</b> |
| <b>versus</b>                             |   |                    |
| <b>The Chief Officer, Mumbai Building</b> | } |                    |
| <b>Repairs and Reconstruction</b>         | } |                    |
| <b>Board and Ors.</b>                     | } | <b>Respondents</b> |

Mr. Jitendra G. Shukla with Ms. Deepti B. Mistry for the Petitioner.

Mr. Vaibhav M. Parashurami for Respondent Nos. 1 to 3.

Ms. Madhubala Kajale-AGP for Respondent No.5.

**CORAM :- S. C. DHARMADHIKARI &  
G. S. KULKARNI, JJ.**

**DATED :- JULY 16, 2015**

**P.C. :-**

Having heard both sides and finding that the affidavit filed by the Maharashtra Housing and Area Development Authority (MHADA) indicating several measures and steps taken by the MHADA and its Divisional Board to repair the structure in order to make the building safe for human habitation, nothing survives in the Writ Petition. The Petitioner's apprehension that his right as owner of the property is adversely affected has no basis. In accordance with law, the

Petitioner's property on which the Cess is levied and collected by the Housing Board enables that Board further to undertake structural repairs in the event the owner is unwilling to do so. In the light of the disputes between the owner and the tenants/occupants, the statutory authority cannot abdicate its statutory duty and obligation. Precisely that is performed in this case. Such an act of the statutory authority does not deprive the Petitioner of his right, title and interest in the immovable property/building. In the circumstances, we do not find any merit in the Writ Petition. It is dismissed.

**(G.S.KULKARNI, J.)**

**(S.C.DHARMADHIKARI, J.)**