

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5262 OF 2014

Dr.Naresh Advani and Others. .. Petitioners
Vs
Ulhasnagar Municipal Corporation and Others. .. Respondents
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Shri Jaiwant S. Chandnani for the Petitioners.
Shri Suresh M. Kamble for the Respondent Nos.1 to 3.
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CORAM : A.S. OKA & C.V. BHADANG, JJ
DATED : 25TH JANUARY 2016

P.C.

1. Learned counsel appearing for the Ulhasnagar Municipal Corporation on instructions of Shri Yuvraj Dhondur Bhadane, Assistant Commissioner (Legal) of the first Respondent states that the Municipal Corporation may be permitted to withdraw the impugned notices (Exhibit-A Colly to the Petition) dated 21st May 2014. He submits that a liberty may be granted to issue fresh notices, if necessary, by invoking Section 264 of the Maharashtra Municipal Corporations Act, 1949 after making an examination of the present structural status of the building in question. We accept the said request. Accordingly, we dispose of the Petition by passing the following order.

ORDER :

- (a) The impugned notices (Exhibit-A Collectively to the Petition) are withdrawn. However, it will be open for the Ulhasnagar Municipal Corporation to exercise the powers under Section 264 of the Maharashtra Municipal Corporation Act, 1949 after examination of the present structural status of the building subject matter of the Writ Petition;
- (b) We make it clear that we have not made any adjudication on the present structural status of the building;
- (c) We have also not made any adjudication on the issue whether the building can be repaired or it needs to be pulled down immediately;
- (d) Needless to add that after examination of the present structural status of the building, if the Municipal Corporation comes to a conclusion that the building needs to be demolished immediately, it will be open to the Municipal Corporation to take such steps as may be permissible in law;

- (e) The Petition is disposed of on above terms;
- (g) Civil Application No.2608 of 2014 does not survive and the same is disposed of.

(C.V. BHADANG, J)

(A.S. OKA, J)