

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 371 OF 2014

Office Notes, Office
memorandum of Coram,
appearances, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Shri Hemant Ghadigaonkar for the Petitioner.
Mrs. H.Y. Shah, AGP for the Respondent No.1 State.
Shri A.Y. Sakhare, Senior Counsel along with Mrs. Shobha Ajitkumar for the Respondent No.
2 and 3.
Shri V.P. Sawant for the Respondent Nos.4 and 5.
Shri Anil Shah, Respondent No.7 in person.

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CORAM : A.S. OKA & C.V. BHADANG, JJ
DATED : 25TH JANUARY 2016

P.C.:

1. Perused the report of the Technical Advisory Committee. This Petition involves disputed question as regards the present structural status of the building which, according to us, can be more appropriately decided by the Civil Court. The bar under Section 515A of the Mumbai Municipal Corporation Act, 1888 will not apply to the challenge to the action taken under Section 354 of the said Act.

2. Hence, we dispose of the Petition by granting liberty to the Petitioners to file appropriate proceedings before the Civil Court. To enable the Petitioners to do so, the ad-interim relief granted earlier to continue for a period of four weeks from today.

3. We make it clear that the prayer for ad-interim or interim relief shall be considered by the Civil Court in accordance with law without being influenced by the ad-interim relief granted by this Court.

(C.V. BHADANG, J)

(A.S.OKA, J)