

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

**WRIT PETITION NO. 1277 OF 2015  
WITH  
NOTICE OF MOTION (L) NO. 406 OF 2016**

|                                 |   |                    |
|---------------------------------|---|--------------------|
| <b>Sudhakar Babu Uchil</b>      | } | <b>Petitioner</b>  |
| <b>versus</b>                   |   |                    |
| <b>The State of Maharashtra</b> | } |                    |
| <b>and Ors.</b>                 | } | <b>Respondents</b> |

**WITH  
WRIT PETITION NO. 1263 OF 2015**

|                                 |   |                    |
|---------------------------------|---|--------------------|
| <b>Lata Sudhakar Uchil</b>      | } | <b>Petitioner</b>  |
| <b>versus</b>                   |   |                    |
| <b>The State of Maharashtra</b> | } |                    |
| <b>and Ors.</b>                 | } | <b>Respondents</b> |

Mr. Vaibhav Jogalekar with Mr. Yatin R. Shah, Mr. Rohan Sathye and Ms. Aditi Bhat for the petitioner.

Ms. Madhubala Kajale - AGP for respondent no. 1.

Mr.P.G.Lad with Ms. Aparna Murlidharan for respondent nos. 2, 4 and 5.

Mr.H.C.Pimple for respondent nos.6and 7.

**CORAM :- S. C. DHARMADHIKARI &  
B. P. COLABAWALLA, JJ.**

**DATED :- JULY 15, 2016**

**P.C. :-**

1) These two writ petitions were filed in order to seek one declaration and with regard to the eligibility of the petitioners to obtain the permanent alternate accommodation and pending the same, a temporary alternate accommodation.

2) The petitioners do not dispute the right, power, authority and jurisdiction of the statutory authorities or the Board to proceed, if the structures, which are old and dilapidated, have to be brought down and there is a scheme of rehabilitation, which can be framed and implemented.

3) In the present case, the building popularly known as Matcheswala Building at Fort, Mumbai is the building in question. It comprised initially ground plus five storeys and constructed prior to 1940. It was a cessed building. Initially, on the ground floor, there were 15 commercial tenements, according to the petitioners. Apart from 12 shops, there were 3 passage stalls. The petitioners are also referring to presence of certain commercial tenements on the first floor. Needless to state that they do not dispute that the building has residential accommodations as well. Part of this building was demolished. The description of this building is set out and based on the description and the documents, copies of which are annexed to the writ petition, it is urged by Mr. Jogalekar that the petitioners do not desire to obstruct or interfere with the statutory powers or the functions and duties of the Board. The petitioners would be happy and satisfied if this court were to protect their interest by a suitable arrangement so that the petitioners are given an

opportunity to produce the originals of all these annexures before the competent officer of the Mumbai Building Repairs and Reconstruction Board. They would satisfy them about their eligibility and their occupation of the structures prior to the cut off date.

4) This matter was mentioned by Mr. Lad, who appears on behalf of respondent nos. 2, 4 and 5. Mr. Lad states that he had mentioned the matter because an ad-interim order is creating difficulties, as there are 54 occupants of this building who are languishing in transit accommodation and awaiting the fruits of redevelopment. The reconstruction work is over and the authorities are awaiting grant of occupation certificate, but that is withheld on account of the pending writ petition and the ad-interim order. Hence, he would submit that this court may dispose of the writ petition with such directions as are permissible in law.

5) After hearing both sides and perusing the papers, we are of the view that the writ petition can be disposed of with a limited direction to the petitioners to appear before the Chief Officer of the Mumbai Building Repairs and Reconstruction Board (respondent no. 4) on 26<sup>th</sup> July, 2016 at 10.30 a.m. They shall produce relevant documents, preferably in original or certified

true copies thereof. The Chief Officer shall scrutinise each of them, their genuineness and authenticity and thereafter, render a finding with regard to the petitioners' eligibility, within a period of 10 days from the petitioners' appearance before him.

6) We direct that for a period of six weeks from today, the ad-interim order passed by this court shall remain operative. We expect the Chief Officer to comply with this direction within the above period and in the event that direction is in any way adverse to the interest of the petitioners, the same shall not be given effect to during this period so that the petitioners can avail appropriate legal remedies.

7) The petitioners can handover a short representation after they appear before the Chief Officer referring to all the relevant documents. Such representation shall be tendered before the Chief Officer on 26<sup>th</sup> July, 2016 itself.

8) With the aforesaid directions, the writ petition is disposed of. In the light of the disposal of the writ petition, the notice of motion does not survive and stands disposed of as such. There would be no order as to costs.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)