

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

WRIT PETITION NO.2883 OF 2014
WITH
NOTICE OF MOTION NO.306 OF 2016

Manoj Gunwant Soni and Others	...Petitioners
vs.	
Municipal Corporation for Greater Bombay and Others	...Respondents

Mr. Jitendrakumar Damani, for the Petitioners
Ms. Geeta Joglekar, for Respondent Nos. 1 and 2-BMC.
Mr. Manoj Gunwant Soni, the Petitioner No. 1 in person.
Mr. Harsha Maru, grandson of Smt. Bhanumati K. Maru, the Petitioner
No. 3 present.
Mr. Ashutosh Thipsay h/f. Mr. Kaustubh Javle, for Respondent No. 3.

CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.

DATE : **AUGUST 08, 2016**

PC.:

. Parties through their counsel. With the consent of the parties, heard finally.

2. The learned counsel for the Petitioners on being asked, on instruction from Petitioner No. 1 who is present in the Court made a categorical statement that though they have vacated the structure but few articles of the Petitioners are still in the structure in question

which they shall remove within ten days from today & undertaking to the effect shall be filed before this Court within a week.

3. Having recorded the said statement and with the consent of the parties, we dispose of the Petition by passing the following order.

a) Undisputedly the TAC report is being submitted by only two Members of the TAC Committee and as such it cannot be said that the TAC report is on the basis of the properly constituted Committee as per the order of this Court in Writ Petition (L) No. 1135 of 2014. In the circumstances, the TAC report is quashed with further direction to TAC Committee to pass a fresh order after due compliance of the directions contained in the order dated 23rd June, 2014 passed by the Division Bench of this Court in the case of *Municipal Corporation of Greater Mumbai, vs. State of Maharashtra in Writ Petition (L) No. 1135 of 2014.*

4. On receipt of the report, the Municipal Corporation shall proceed with the same in accordance with law. The Corporation to serve the copy of the TAC report on the Petitioners as also on

Respondent No. 3-landlord. If the TAC report is adverse to the interest of the Petitioners, the same shall not be given effect for a period of ten days.

5. The learned counsel appearing for the Respondent No. 3-landlord on instruction has stated that the Watchman shall not enter into the structure in question but occupy only the premises outside the structure by raising a Tin shed.

6. The Respondent-Corporation is directed to seal the structure in question immediately after tenth day from today.

7. Needless to say that the grievance of the parties raised in the pending suit shall not be affected by setting aside of the TAC report.

8. In view of the aforesaid the Petitioners as also the Notice of Motion stands disposed of.

(MAKARAND KARNIK, J.)

(SHANTANU KEMKAR, J.)