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

**WRIT PETITION NO.2654 OF 2014
WITH
NOTICE OF MOTION NO.374 OF 2015**

Bipin D. Gala and Ors.

... Petitioners

Versus

The Municipal Corporation
of Greater Bombay and Ors.

... Respondents

Mr. Chirag Mehta i/by Jitendra J. Shah for the Petitioners.

Mrs. Shobha Ajitkumar for the Respondent No.1 – BMC.

Mr. Rajesh S. Mehta a/w Ms. Dimple Joshi, Ms. Neelam Vyas i/by
Balkrishna Shivanna Shetty for the Respondent No.4.

**CORAM : A.S. OKA &
C.V. BHADANG, JJ.**

DATE : 1st FEBRUARY, 2016

PC.

1 The learned counsel appearing for the Mumbai Municipal Corporation has placed on record the report of the Technical Advisory Committee. The TAC has come to the conclusion that the structure of the building subject matter of this Petition can be repaired. The learned counsel appearing for the Municipal Corporation states that in view of the report of the TAC now the impugned notice dated 18th July, 2014 cannot be implemented. In view of this statement and in view of the report of the TAC the only substantive prayer in the Petition in terms of

prayer clause (a) does not survive and therefore, the Petition does not survive.

2 We accordingly dispose of the Petition.

3 However, we make it clear that this Court has not made any adjudication on the question whether the Petitioners are the tenants of the fourth Respondent and the entire controversy on this aspect is left open. We may also make it clear that disposal of this Petition will not prevent the fourth Respondent from challenging the report of the TAC. No adjudication is made on the legality and correctness of the said report. Pending Notice of Motion and Chamber Summons do not survive and the same are disposed of.

(C.V. BHADANG, J)

(A.S. OKA, J)