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

WRIT PETITION NO. 2007 OF 2015

M/S RAJMAITRI CORPORATION

...Petitioners

V/S

THE STATE OF MAHARASHTRA AND 20 ORS.

...Respondents

Mr. A.M. Sarogi, Advocate for the Petitioners

Ms. Uma Palsuledesai, AGP for Respondent No.1

Mr. D.J. Lulia, Advocate for Respondent Nos. 3,14,7,8(a),11 & 12

Ms. Geeta Joglekar, Advocate for Respondent No.2 BMC

Mr. Shivananda Mishra, Advocate for Respondent

Nos. 5, 6 9, 11, 13, 15, 17, 19, 20 & 21.

CORAM : SHANTANU S. KEMKAR &

M.S. KARNIK, JJ.

DATED : 28TH JUNE, 2016

PC. :

Parties through their Counsel. Through this Petition the Petitioners are seeking directions to the Respondents to implement the notice dated 27th August, 2015 issued under Section 354 of M.M.C. Act. According to the Petitioners after issuance of the said notice the Corporation has not taken any steps for demolition. Learned Counsel appearing for the Corporation on the basis of the TAC report dated 25th May, 2015 stated that as per TAC report the structure in question is

in a dilapidated condition and not fit for human dwelling and hence the building is to be evacuated and demolished.

2. Learned Counsel appearing for Respondents (except Respondent No.4) submits that the Respondents are not disputing the fact that the building in question is in a dilapidated condition and it needs to be evacuated and demolished. Learned Counsel for the Petitioners and the learned Counsel for the Respondents (except Respondent No.4) submit that as per the undertaking given by the Petitioner No.2 they have vacated the premises in question. Learned Counsel for the Petitioners submits that the Petitioners shall abide by the terms of the agreement as per the undertaking dated 22nd June, 2015.

3. Having regard to the aforesaid stand being taken and taking into consideration the statement of learned Counsel for the Petitioners that even to Respondent No.4 also the Petitioners shall give the same benefits as per the undertaking given and the agreement executed by the Petitioners with the

other Respondents, we are inclined to dispose of this Petition by recording the statement made by the learned Counsel for the Petitioners in respect of Respondent No.4.

4. We direct the Municipal Corporation to proceed for demolition of the structure in question in pursuance to its notice issued to the Petitioners under Section 354 of the M.M.C. Act as expeditiously as possible preferably within 4 weeks.

5. It is noted that it will be open to the Petitioners to place this order before the Competent Authority / Court dealing with the matter relating to the Criminal Prosecution for noncompliance of the notice under Section 354 of the M.M.C. Act. Needless to say that the said Authority / Court shall be free to pass appropriate order and this direction will not be construed to have been passed on merits of that action.

6. The Petition is disposed of accordingly.

(M.S. KARNIK, J.)

(SHANTANU S. KEMKAR, J.)