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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9000 OF 2017

Mr. Idris Sahmat Ali Shaikh & Ors. ... Petitioners
Versus
Bhiwandi Nizampur City Municipal ... Respondents
Corporation & Ors.

Mr. Sandeep Mishra, for the Petitioner in WP No. 9000 of 2017
and for Respondent Nos. 4, 6, 8 in WP No. 9001 of 2017.
Ms. Manisha Salekar, with Mr. N.R. Bubna for Respondent Nos. a
and 2.

**CORAM: SMT. VASANTI A NAIK AND
MR. RIYAZ I. CHAGLA, JJ.**
DATED: 6TH DECEMBER 2017

PC:-

By this writ petition, the petitioner has challenged the notice
of the corporation dated 9th August 2016 asking the petitioner to
demolish the dilapidated building.

During the pendency of the writ petition, in pursuance of an
order passed by this Court, the building was inspected by the
V.J.T.I. and as per the report of the VJTII that is placed on record,
the building need not be demolished and it could be repaired. It
appears from the report that VJTI has recommended that repairs
and maintenance of the building on regular basis would improve
the life of the structure.

In view of the report of the VJTI, we had by our order dated
13th September 2017 directed the learned counsel for the

respondent corporation to take instructions as to whether the corporation desires to withdraw the impugned notice.

It is stated on behalf of the corporation that the report of the VJTI would be considered by the corporation and a fresh decision would be taken in respect of the condition of the building. It is stated that since the corporation would take a fresh decision in the matter, the impugned notice would not be acted upon.

By accepting the statement made on behalf of the corporation we dispose of the writ petition with no order as to costs.

(RIYAZ I. CHAGLA J.)

(SMT. VASANTI A. NAIK, J.)