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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4406 OF 2017

Zahid Ali Joma Khan and ors.

.. Petitioners

Versus

Brihanmumbai Municipal Corporation & ors.

.. Respondents

Mr. N. R. Bubna for petitioners.

Mr. Pradeep Patil for respondent no.1 – Corporation.

Mrs. R. A. Salunkhe, AGP for State.

Mrs. S. R. Rananaware, Officer A.O. (Estate) “B” Ward present.

CORAM: NARESH H. PATIL &
DR. SHALINI PHANSALKAR-JOSHI, JJ.

APRIL 24, 2017.

P.C.

1. The petitioners claim to be occupants of the subject building.

It is submitted that the Corporation has issued notices to the original tenants of the buildings as the building is in a dilapidated condition. This stand is objected to by the learned counsel for the respondent.

2. Learned counsel appearing for the Corporation states that the petitioners do not have any locus to raise the issue before this Court. The

Corporation had already issued notices to the original tenants; whereas it is a matter of record that present petitioners are not original tenants. It is not known as to how the petitioners came into possession of the subject structure.

3. In the facts, prima facie we notice that disputed questions of facts arise in the matter. It would not be appropriate to entertain such issues in exercise of writ jurisdiction of this court. Petitioners may adopt appropriate alternate remedy as permissible in law.

4. Learned counsel for the Corporation submits that to eligible persons, alternate accommodation will be given.

5. Keeping all issues on merits open, writ petition stands disposed of.

(DR. SHALINI PHANSALKAR-JOSHI,J.)

(NARESH H. PATIL,J.)