

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

WRIT PETITION NO.560 OF 2017

Mrs. Hasina A. Khan & Ors.

..Petitioners

Vs.

State of Maharashtra through Secretary,
Dept. of Urban Development & Ors.

..Respondents

Mr. Saket Mone i/b Mr. Shailesh D. Chavan for the Petitioners.

Mr. A. A. Alaspurkar, AGP for Respondent No.1.

Mr. S. V. Marne for Respondent Nos.2 and 3.

Mr. Rohit P. Sakhadeo for Respondent No.4.

Mr. Govind B. Solonke for Respondent No.5.

**CORAM: B. R. GAVAI AND
M.S. KARNIK, JJ.**

DATE: 7th SEPTEMBER 2017

P.C. :

. The Petitioner has approached this Court being aggrieved by the notice issued by the Municipal Corporation dated 29/5/2016 declaring Building E-3, Nilgiri Gardens CHS Ltd., Amra Marg, CBD Belapur as dangerous, not fit for habitation and requires to be demolished.

2. Learned counsel for the Petitioner submits that there are reports of two structural auditors, one report dated 24/7/2017 finds the building to be in a repairable condition whereas the report dated 23/10/2015 prepared by another structural auditor finds the building to be in a dilapidated condition and requires demolition.

3. We find that it is the statutory duty of the Corporation to take steps for demolition of the building which is found to be in a dilapidated condition. It is to be noted that the Corporation was set in motion after

Respondent No.5/Society approached the Corporation with regard to the dilapidated condition of the building. Accordingly, structural audit of the building was conducted and report dated 23/10/2015 is on the basis of said structural audit.

4. We do not find that there is any averment in the Petition that the Corporation has acted in malafide manner at the behest of any individual.

5. In that view of the matter, we see no reason to interfere with the notice issued by the Corporation on the basis of the structural audit carried out by it.

6. At this stage learned counsel for the Petitioner prays for extension of ad-interim protection granted in the matter. Taking into consideration that the matter involves a dilapidated building which according to the Corporation is not fit for accommodation and further taking into consideration that in the last week one dilapidated building in Mumbai collapsed leading to loss of human life, the prayer for grant of ad-interim protection is rejected.

(M.S. KARNIK, J.)

(B. R. GAVAI, J.)