

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

**APPEAL FROM ORDER (ST.) No. 27891 OF 2017
WITH
CIVIL APPLICATION (ST.) No. 27897 OF 2017
IN
APPEAL FROM ORDER (ST.) No. 27891 OF 2017**

Yatesh S. Jain

...Appellant/
Applicant

Versus

Municipal Corporation of Greater
Mumbai & Anr.

... Respondents

**WITH
APPEAL FROM ORDER (ST.) No. 27899 OF 2017
WITH
CIVIL APPLICATION (ST.) No. 27900 OF 2017
IN
APPEAL FROM ORDER (ST.) No. 27899 OF 2017**

Smt. Vimladevi P. Jain

...Appellant/
Applicant

Versus

Municipal Corporation of Greater
Mumbai & Anr.

... Respondents

**WITH
APPEAL FROM ORDER (ST.) No. 27902 OF 2017
WITH
CIVIL APPLICATION (ST.) No. 27903 OF 2017
IN
APPEAL FROM ORDER (ST.) No. 27902 OF 2017**

Arvind R. Sawant

... Appellant/
Applicant

Versus

Municipal Corporation of Greater
Mumbai & Anr.

... Respondents

WITH
APPEAL FROM ORDER (ST.) No. 27905 OF 2017
WITH
CIVIL APPLICATION (ST.) No. 27906 OF 2017
IN
APPEAL FROM ORDER (ST.) No. 27905 OF 2017

Arvind G. Arte

... Appellant/
Applicant

Versus

Municipal Corporation of Greater
Mumbai & Anr.

... Respondents

WITH
APPEAL FROM ORDER (ST.) No. 29081 OF 2017
WITH
CIVIL APPLICATION (ST.) No. 29085 OF 2017
IN
APPEAL FROM ORDER (ST.) No. 29081 OF 2017

Mr. Suresh S. Jain

... Appellant/
Applicant

Versus

Municipal Corporation of Greater
Mumbai & Anr.

... Respondents

**WITH
APPEAL FROM ORDER (ST.) No. 29090 OF 2017
WITH
CIVIL APPLICATION (ST.) No. 29092 OF 2017
IN
APPEAL FROM ORDER (ST.) No. 29090 OF 2017**

Saroj Maruti Gaikwad

... Appellant/
Applicant

Versus

Municipal Corporation of Greater
Mumbai & Anr.

... Respondents

.....

Mr. Atul S. Singh for the Appellants in all AO's.

Mrs. Madhuri More for Respondent No.1/ Municipal Corporation in
all AO's.

Mr. G. S. Godbole a/w. Mr. Vikhil Dhoke and Mr. P. M. Bhatt i/b.
Solicis Lex for Respondent No.2 in all AO's.

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**CORAM: MRS. MRIDULA BHATKAR, J.
DATED: NOVEMBER 20, 2017**

P.C. :

1. Learned counsel for the Municipal Corporation submits that she wants to verify whether there is compliance of guidelines of making list of the tenants or occupiers in the building and the carpet area of the premises in their respective occupation and possession including the floor at which the same has been

occupied. Such list should be furnished to the landlord or owner/builder of the said building and thereafter, the Municipal Corporation is supposed to issue notice under Section 354 of the Mumbai Municipal Corporation Act calling upon the tenants and occupants to vacate the said premises.

2. Heard. Perused the report of the Technical Advisory Committee. The Municipal Corporation is not in a position to inform the Court whether it has complied with guideline nos. 9 (e) and partly 9 (f) given by the Division Bench of this Court in Writ Petition (L) No. 1135 of 2014 by its order dated 23.06.2014.

3. Under such circumstances, as agreed by the parties i.e. the original plaintiffs and respondent no.2, they shall bear 50% expenses and Technical Advisory Committee shall carry out a fresh visual inspection and the tests which are specified as per guidelines given in 9 (d) (i) and (ii) in Writ Petition (L) No. 1135 of 2014 and also follow the guidelines given in 9 (e) and partly 9(f) of the said Writ Petition. The said report is to be submitted to the Municipal Corporation.

4. In view of this, nothing remains in these Civil Applications and the report dated 21.11.2014 submitted by the Technical Advisory Committee is set aside.

5. Undertakings given by the tenants i.e. the plaintiffs to continue. The Municipal Corporation not to take any coercive action till further orders.

6. Learned counsel for the appellants/plaintiffs submits that the appellants/plaintiffs want to withdraw the Suits and seek liberty to file a fresh Suits after the report of Technical Advisory Committee is submitted and also to challenge the notice under Section 354 of the Mumbai Municipal Corporation Act.

7. If the appellants/plaintiffs want to withdraw the Suits, then it should be made before the trial Court.

8. Technical Advisory Committee to carry out a fresh visual inspection and the tests which are specified as per guidelines given in 9 (d) (i) and (ii) by the Division Bench of this Court in Writ

Petition (L) No. 1135 of 2014 and also follow the guidelines given in 9 (e) and partly 9(f) within a period of three months from today. After receipt of the report of Technical Advisory Committee, further protection of two weeks is given to the appellants/plaintiffs.

9. With this, Appeals are disposed of. Civil Applications are also accordingly disposed of.

(MRIDULA BHATKAR, J.)