

Since the day of sealing the premises, petitioner's business has come to standstill.

3] Learned Senior Advocate appearing on behalf of the Corporation submits that the building was found to be in a dilapidated condition, therefore, in exercise of powers conferred under Section 260 of the Maharashtra Municipalities Act, it is responsibility of the Corporation, to inspect the buildings, its structural stability and take appropriate action, in case it is found that building is in ruinous condition or there was unauthorized alterations, additions and encroachment taken place. Keeping in view the larger public interest, such steps were taken by the Corporation. Counsel submits that petitioner submitted structural audit report, which itself signify that immediate repairs are to be carried to the subject building. Unless they are carried, it would be dangerous for the persons to occupy the hotel premises.

4] We perused the record placed before us. Since December, 2016, Restaurant premises is in sealed condition. Certain issues are raised in respect of powers of the Corporation to seal the premises and as to whether the corporation had issued appropriate notice to the petitioner before taking steps of sealing the premises.

Counsel appearing for the petitioner submits that the Corporation does not have any power to seal the premises.

5] On instructions, counsel appearing for the petitioner submits that written undertaking would be submitted to the Court to the effect that required repairs, will be carried out under the supervision of a structural Engineer. After carrying out repairs, written intimation would be given to the Corporation alongwith the structural audit report. The counsel submits that the business of the petitioner is getting affected due to sealing and it is necessary that some orders be passed so that the petitioner could take further steps.

6] In the facts of the case, we find that the petitioner shall be permitted to carry out necessary repairs to the subject Restaurant. The safety of persons, customers entering the Restaurant and Bar, is a matter of prime concern.

7] The petitioner shall also give an undertaking that in case of any additions, alterations, if carried out illegally, the Corporation would be authorized to take necessary action in accordance with law.

8] We find that such an undertaking be submitted to this

Court within a week's time.

9] We, therefore, direct the Corporation:-

(a) to remove the seal fixed on the “Haveli Bar and Restaurant”, situated at Wagle Estate, Thane forthwith.

(b) After removing of the seal, the petitioner shall carry out necessary repairs and submit report to the Respondent Corporation.

(c) On receipt of said report, Corporation authorities would be entitled to inspect the premises and take necessary steps in accordance with law.

10] The petition is disposed of accordingly.

[DR.SHALINI PHANSALKAR-JOSHI, J.] [NARESH H. PATIL.]