

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.483 OF 2014

Naren K. Thakore and Others. .. Petitioners
Vs
The Municipal Commissioner for
Greater Mumbai and Others. .. Respondents
—
Shri Ruchir L. Tolat i/b Shri L.C.Tolat for the Petitioners.
Ms.Geeta Joglekar for the Respondents.
—

CORAM : A.S. OKA &
SMT. VIBHA KANKANWADI, JJ

DATED : 24TH JULY 2017

PC.

1. Heard learned counsel appearing for the Petitioners and learned counsel appearing for the Mumbai Municipal Corporation. The challenge in this Petition under Article 226 of the Constitution of India is to the notice dated 8th October 2013 issued under Section 354 of the Mumbai Municipal Corporation Act, 1888.

2. The draft amendment tendered across the bar is taken on record and marked “X” for identification. However, we find that in paragraph 18 of the affidavit filed by the first Petitioner, there is a categorical statement that the repair work which was required to be carried out as mentioned in the impugned notice at Exhibit-D has been carried out. In view of the statement made on oath, it is not necessary

to entertain this Petition challenging the impugned notice as the Petitioners have claimed that they have carried out the repair work as mentioned in the impugned notice. Hence, it is not necessary to permit amendment. Accordingly, we pass the following order:-

ORDER :

- (a) We accept the statement made in Paragraph 18 of the affidavit filed by the first Petitioner dated 29th June 2017. By accepting the said statement, the Petition is disposed of;
- (b) We direct the appropriate Officer of the first Respondent to visit the building subject matter of this Petition within a period of three weeks from today with a view to ascertain whether the repair work as stated in the affidavit dated 29th June 2017 has been carried out;
- (c) Needless to add that if the Municipal Corporation finds that the repairs as required by the impugned notice have not been carried out, it will be open for the Municipal Corporation to take action in

accordance with law on the ground of non-compliance with the impugned notice dated 8th October 2013;

- (d) All contentions of the parties in that behalf are kept open.

(VIBHA KANKANWADI, J)

(A.S. OKA, J)