

**FARAD CONTINUATION SHEET  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION (L) NO. 137 OF 2017**

|                                                                                                           |                           |
|-----------------------------------------------------------------------------------------------------------|---------------------------|
| Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders | Court's or Judge's orders |
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Mr. Vishal Ghosalkar for the Petitioner.  
Ms. Sheetal Mane for Respondent No.1/MCGM  
Ms. Sneha Sanap for the Respondent Nos. 2 and 3.  
Mr. M.V. Kanade for Respondent No.4.  
Mr. Y. R. Dubey for intervenor.

**CORAM : K. K. TATED, J.**

**DATED : 03/02/2017**

**PC.:**

. Heard learned Counsel for the parties.

2 By this petition under Article 227 of the Constitution of India the Petitioner challenges the decision/order of the Technical Advisory Committee (TAC) of the Corporation dated 02.12.2016 holding that the suit structure i.e. building of Bijlee Co. op. Housing Society Ltd. required to be demolished as the same is in dilapidate condition. The Committee after considering the structural audit report submitted by M/s. VJIT, given the said findings.

3 After arguing for some time, the learned counsel for the petitioner after taking instructions from the Petitioners those are present in the Court, makes a statement that they have no objection to

vacate and handover possession of flats/rooms to the Corporation pursuant to the notice under Section 354 of M.M.C. Act dated 21.12.2016. To that effect, he has placed on record Consent Minutes of Order dated 03.02.2017 duly signed by Advocate for Petitioner as well as some of the petitioners who are present in the Court. Same is taken on record and marked "X1" for identification.

4 The learned counsel for the petitioner submits that petitioners requires some time to shift from one place to another. Therefore, they are seeking four weeks time to handover the possession and same is stated in the consent Minutes of Order.

5 It is to be noted that suit building consists of 26 flats, out of that 8 flats occupants challenged the decision of TAC Committee. Considering this fact and as they have given in writing before this Court, I am of the opinion that Minutes of Order is required to be treated as part and parcel of the order of this Court.

6 Hence, the following order is passed:

a) Order in terms of Minutes of Order dated 03.02.2017.

b) Undertaking given by the Petitioner to vacate the suit premises is accepted.

c) If the Petitioners failed to act as per consent Minutes of Order, in that case, the

Corporation has rights to execute their notice under Section 354 of M.M.C. Act.

d) Writ Petition stands disposed of as per Minutes of Oder.

e) Parties to act on authenticated copies of this order.

**(K.K.TATED, J.)**