

Sharayu.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 1054 OF 2017

Shankarlal Mangilal Triwadi & Ors. ...Petitioners

Versus

**The Brihan Mumbai Municipal
Corporation & Ors.**

...Respondents

Mr. Anilkumar Patil, a/w Mr. Jitendra Gaikwad, for
the Petitioners.

Ms. Sheetal Mane, for M.C.G.M.

Mr. Bipin Joshi, for the Respondent No. 3.

Mr. J. Reis, Senior Advocate, a/w Mr. G.P. Vas,
Mr. Nitin Raut, Ms. Ishita Desai, i/b P.Vas & Co.,
for Respondent No. 4.

**CORAM : SMT. VASANTI A NAIK AND
RIYAZ I. CHAGLA, JJ.**

DATE : 31 October 2017

ORDER :

By this writ petition, the petitionerS
challenge the notice of the Corporation under
Section 354 of the Mumbai Municipal Corporation
for demolition of the structure/building in which
the petitioners are residing as tenants.

The learned counsel for the petitioners

states that since the reports of the structural engineer appointed by the petitioners and the respondents-landlords are contradictory, in view of the judgment in writ petition (L) No. 1135 of 2014, the matter needs to be referred to the technical advisory committee for securing the report in respect of the condition of the building. It is stated that the writ petition could be disposed of with the direction to the Corporation to refer the matter to the technical advisory committee and secure the report after following the procedure, as directed by this Court in the judgment in writ petition (L) No. 1135 of 2014.

Since we find that there is a conflict in the reports submitted by the petitioners-tenants and the respondents-landlords to the Corporation in respect of the condition of the building, the matter needs to be referred to the technical advisory committee for securing the report of the committee after following the procedure as laid down in the judgment in writ petition (L) No. 1135 of 2014.

In view of the aforesaid, the writ petition is disposed of with a direction to the respondents No. 1 and 2 to refer the matter to the technical advisory committee so that the concerned building could be inspected and the tests as laid down in the judgment in writ petition (L) No. 1135 of 2014 could be carried out and a report in respect of the condition of the building could be prepared by the technical advisory committee. We

direct the Corporation to secure the report of the technical advisory committee within three months.

It is needless to mention that the petitioners would reside in the building at their own risk and costs.

In the circumstances of the case, no order as to costs.

[RIYAZ I. CHAGLA J.] [SMT. VASANTI A NAIK, J.]