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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.290 OF 2015

Shahid Bhagatsingh Co-operative Housing Limited	...Petitioner
vs.	
Bombay Municipal Corporation of Greater Bombay and others	...Respondents

WITH
WRIT PETITION NO.297 OF 2015

Amar Co-operative Housing society Limited	...Petitioner
vs.	
Bombay Municipal Corporation of Greater Bombay and others	...Respondents

WITH
WRIT PETITION NO.928 OF 2016

Vijay Punjab Building No.1 Co-operative Housing society Limited	...Petitioner
vs.	
Bombay Municipal Corporation of Greater Bombay and others	...Respondents

WITH
WRIT PETITION ST.NO.1444 OF 2017

Vijay Punjab Co-operative Housing society Limited	...Petitioner
vs.	
State of Maharashtra and others	...Respondents

WITH
WRIT PETITION ST.NO.1448 OF 2017

Prithvi Punjab Co-operative Housing
society Limited ...Petitioner
vs.
State of Maharashtra
and others ...Respondents

WITH
WRIT PETITION ST.NO.1452 OF 2017

Vikas Kasturilal Harjai ...Petitioner
vs.
State of Maharashtra
and others ...Respondents

WITH
WRIT PETITION ST.NO.1453 OF 2017

Geeta Bhavan Co-operative Housing
society Limited ...Petitioner
vs.
State of Maharashtra
and others ...Respondents

WITH
WRIT PETITION ST.NO.1482 OF 2017

Prithvi Punjab Co-operative Housing
society Limited ...Petitioner
vs.
State of Maharashtra
and others ...Respondents

WITH
WRIT PETITION ST.NO.1483 OF 2017

Progressive Co-operative Housing
society Limited ...Petitioner
vs.
State of Maharashtra
and others ...Respondents

WITH
WRIT PETITION ST.NO.1509 OF 2017

Amar Co-operative Housing
society Limited ...Petitioner
vs.
State of Maharashtra
and others ...Respondents

WITH
WRIT PETITION ST.NO.1510 OF 2017

Vijay Punjab Co-operative Housing
society Limited ...Petitioner
vs.
State of Maharashtra
and others ...Respondents

WITH
WRIT PETITION ST.NO.1516 OF 2017

Sant Namdev Co-operative Housing
society Limited ...Petitioner
vs.
State of Maharashtra
and others ...Respondents

WITH
WRIT PETITION ST.NO.1519 OF 2017

Vijay Punjab Co-operative Housing
society Limited ...Petitioner
vs.
State of Maharashtra
and others ...Respondents

WITH
WRIT PETITION ST.NO.1525 OF 2017

Shahid Bhagatsingh Co-operative
Housing society Limited ...Petitioner
vs.
State of Maharashtra
and others ...Respondents

WITH
WRIT PETITION NO.2366 OF 2016

Dashmesh Darshan Co-operative

Housing society Limited

...Petitioner

vs.

State of Maharashtra

and others

...Respondents

Mr. A. S.Jondhale a/w Ms. Yashoda Jondhale I/b M/s. Jondhale & Co for petitioner in all matters except Wp/928/2016, WP/290/15 & WP/297/2015

Mr. Subhash A. Bhalwal a/w Mr. Viraj Kandpile I/b M/s. Vyas & Bhalwal for the petitioner in WP/290/15
Mr. A.Y.Sakhare, Sr. Counsel a/w Ms. Geeta Joglekar and Mr. Sagar Patil for the Respondent No. 2 & 3 in all matters.

Mr. Milind More, Addl. G.P for the Respondent No. 1 in WP/928/16 & WPL/1483/17

Mr. Amit Shastri, AGP for respondent No. 1 in WP/290/2015 & WP/297/15

Mr. G.W.Mattos, AGP for the Respondent no. 1 in WP/2366/16

Mr. Mohit Jadhav, AGP for the Respondent No. 1 in WPL/1444/17

Mr. M.A.Sayed, AGP for the Respondent No. 1 in WPL/1448/17

Mr. Manish Upadhyay, AGP for the Respondent No. 1 in WPL/1452/17, WPL/1509/17

Mr. Kunal Bhanage, AGP for the Respondent No.1 in WPL/1453/17 & WP/1525/17

Mr. Hemant Haryan, AGP for the Respondent No.1 in WPL/1482/17

Mr. U.S.Upadhyay, AGP for the Respondent No.1 in WPL/1510/17

Mr. L.T.Satelkar, AGP for the Respondent No.1 in WPL/1519/17

Mr. Rajiv Mane, AGP for the Respondent No.1 in WPL/1516/17

CORAM : A.S.OKA, &

SMT.VIBHA KANKANWADI,JJ.

DATE : AUGUST 1, 2017

P.C.:

1 Heard the learned counsel for the parties. It is not in dispute that the factual controversy subject matter of these petitions is the same as the factual controversy of Writ Petition No.208 of 2016 decided on 26th July 2017 by a Judgment and Order of this Court. The statement signed by the Designated Officer-II, Assistant Engineer (B & F), F/North Ward, Mumbai is taken on record of the Writ petition No.290 of 2015 and the same is marked as 'X-2' for identification.

2 For the reasons recorded in the aforesaid Judgment and order dated 26th July 2017, we disposed of these writ petitions by passing the following order:

- (i) We direct TAC to submit a report in terms of the observations of this Court in the judgment within a period of two months from today;
- (ii) After the report is submitted the Municipal Corporation will place the matter before the Competent Authority which will take a decision whether the impugned notices can be implemented in the light of the opinion expressed by TAC. If the Competent Authority passes an order directing that in the light of TAC report the impugned notices cannot be implemented, no action shall be taken on the basis of the impugned notices;
- (iii) If the Competent Authority passes an

order directing implementation of the impugned notices, the Municipal Corporation shall serve a copy of TAC report along with a copy of the decision taken by the Competent Authority to the petitioners. In such event, the petitioners will be entitled to file a fresh Petition for challenging the impugned notices, the report of the TAC and the order passed on the said report;

(iv) Any decision taken by the Competent Authority shall be communicated to the petitioners. Till the date of communication of the decision to the petitioners, no action on the basis of the impugned notices shall be taken subject to condition of all the occupants of the buildings to file fresh undertakings in terms of the order of this Court dated 7th June, 2017 within a period of four weeks from today that the undertakings filed earlier will continue to bind them till the date of communication of order passed by the Municipal Corporation to the petitioners. Such undertakings shall be filed within a period of one month from today failing which protection granted to the buildings will come to an end;

(v) In the event the order of the Competent Authority directs implementation of the impugned notices, the protection granted

as above shall continue to operate for a period of three weeks from the date on which the order of the Competent Authority along with copy of TAC report is supplied to the petitioners;

(vi) We make it clear that we have made no adjudication on the structural status of the buildings in question and all issues are left open to be decided by TAC;

(vii) We direct that copies of the undertakings filed in terms of this order shall be furnished to the Advocate for the Municipal Corporation as well as in the office of the Government Pleader;

(viii) The Petitions are disposed of on above terms.

(VIBHA KANKANWADI, J.)

(A.S.OKA, J.)