

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

WRIT PETITION NO. 2971 OF 2016

Manoj Mahadev Hegishte.

..Petitioner

Vs.

Madhav Shankar Oak & ors.

..Respondents

Mr. R.P Khobragade a/w. Ms. Gayatri H. Nayak, for the Petitioner.

Mr. P.G. Lad, for the Respondent Nos. 2 and 3 MHADA.

Mr. M.P. Jadhav, AGP, for the Respondent No. 4.

**CORAM : R. M. SAVANT, J &
SMT.SADHANA S. JADHAV,J
DATE : 20th JUNE, 2017**

P.C.

1 The substantive relief sought by way of the above Petition is a direction to the Respondent Nos. 2 and 3 Mumbai Building Repairs and Reconstruction Board (“MBRRB” for short) to carry out repairs to Room No. 18 on the Second floor of the building in question, Room No. 11 on the First floor and Room No. 4 on the ground floor, in which the Petitioner resides in Building No. 13-A, 160C, V.P. Road, Angrewadi, Girgaon, Mumbai 400004.

2 The learned Counsel Shri P.G. Lad, for the MBRRB draws our attention to the correspondence exchanged between the Executive Engineer,

D-1 Division of the MBRRB with the Deputy Commissioner of Police, Zone II, Sr. Inspector of Police, V.P. Road Police Station, as also Regional Manager, between the owner LIC and the Executive Engineer MBRRB. The said correspondence discloses that the tenant residing on the second floor one Madhav Shanker Oak is not cooperating in the matter of carrying out repairs to the Second floor premises. This has resulted in the repairs not being carried out.

3 Learned Counsel appearing for the MHADA Shri P.G. Lad, further points out that the MBRRB has sanctioned the funds and that the MBRRB is ready to carry out repairs in terms of its obligations under the MHADA Act, 1976.

4 During the course of the hearing of the above Petition, it is revealed that the structural condition of the building is not that good and to avoid any untoward incident taking place in the monsoon, repairs have to be carried out. It seems that there is a leakage on account of the seepage of water from the terrace right up to the ground floor. Having regard to the aforesaid facts, we deem it appropriate to issue the following directions :

(i) The Respondent Nos. 2 and 3 i.e. MBRRB to carry out repairs in

the building in question i.e. to the Second floor, First floor and ground floor expeditiously pursuant to the funds that have been sanctioned.

(ii) The local police i.e. Sr. Inspector of Police of V.P. Road Police Station is directed to give adequate police assistance to the Executive Engineer, D-1, MBRRB, as and when such assistance is required. If any charges are payable for the same, the Petitioner would pay the same.

(iii) It is expected that the repairs would be carried out in right earnest so as to avoid any untoward incident taking place in the monsoon.

5 With the aforesaid directions, the above Writ Petition is disposed of accordingly.

[SMT.SADHANA S. JADHAV,J]

[R.M.SAVANT, J]