

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1819 OF 2015

Navin Limbachiya and Others. .. Petitioners
Vs
Municipal Corporation of Greater Mumbai
and Another. .. Respondents

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Shri Vishal Kanade i/b Shri S.B.Amin for the Petitioners.
Ms. Vandana Mahadik for the Respondent No.1.
Shri Anil Mishra for the Respondent No.2.
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CORAM : A.S. OKA &
SMT. VIBHA KANKANWADI, JJ
DATED : 23RD JUNE 2017

P.C.

1. The prayer in this Petition under Article 226 of the Constitution of India is for quashing the notice dated 7th December 2014 issued under Section 354 of the Mumbai Municipal Corporation Act, 1888 (for short “the said Act”). By the said order, the building in question was declared to be in dilapidated condition and was required to be pulled down.

2. Thereafter, a report on the structural status of the building was submitted by the Association of Tenants. On the basis of the said report, the case was referred to the Technical Advisory Committee (TAC). The TAC opined that the building can be repaired and is not required to be pulled down. In Writ Petition No.1589 of 2016 which is

disposed of today, by the separate order, this Court has noted the contention of the Tenants' Association that in terms of the recommendations of the TAC, repair permission was granted and repairs have been carried out. The said Writ Petition has been disposed of by granting liberty to the Petitioner to adopt appropriate remedy by way of filing civil suit.

3. In view of the stand of the TAC, it is obvious that the impugned notices dated 7th December 2014 and 25th June 2015 cannot be implemented by the Mumbai Municipal Corporation.

4. In the event, the Mumbai Municipal Corporation wants to implement the said notices, 15 days advance notice in writing shall be served by it to the Petitioners. Subject to the above directions, the Petition is disposed of. All contentions on merits are kept open.

(SMT.VIBHA KANKANWADI, J)

(A.S. OKA, J)