

DDR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.2461 OF 2017

Goldie Sud
VS.
The State of Maharashtra & Others

...Petitioner
...Respondents

.....

Mr. M.N. Ramalingaiah, for the petitioner.

Mr. Himanshu Takke, Assistant Government Pleader – State –
respondent No.1.

Ms. Pallavi Thakkar, for respondents No.2 to 4 and 7 – M.C.G.M.

Mr. Ravi Gadagkar i/by Ms. Usha Gadagkar, for respondent No.5.

Ms. Deepa Pohuja i/by M/s. J. Law Associates, for respondent No.6

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**CORAM : B.R.GAVAI &
M.S. KARNIK, JJ.**

DATED : 22nd September, 2017

P.C. :

The petition has been filed by the petitioner praying for calling for record, proceedings and papers in the files of the respondents No.2 to 4 and 7. The petitioner has also prayed for quashing and setting aside the inspection conducted on 1st September, 2017. The petitioner further prayed for direction to the

respondent TAC to observe and conclude only after carrying out joint re-inspection of the building which is subject matter of the present petition.

2. It is the contention of the petitioner that the TAC Committee while complying with the orders by this Court dated 13th July, 2017 in Writ Petition No.2402 of 2016 has called a fresh report from the Municipal Corporation regarding the structural audit. It is submitted that the TAC Committee acted malafidely at the instance of auction purchaser so as to defeat the right of the purchaser.

3. We find that the petition is wholly pre-mature. The petitioner can apply to the TAC Committee for joint re-inspection which require for the consideration of the TAC Committee in accordance with law. So far as the other contentions and reliefs are concerned, TAC Committee is yet to submit its report to this Court.

4. The apprehension, therefore, appears to be atleast prima facie a figment of imagination in the mind of the petitioner as without considering the final report of the TAC Committee it cannot

be said that the question as to whether the apprehension in the mind of the petitioner is justified or not.

5. The petition is therefore dismissed as infructuous. If the petitioner is aggrieved by the report of the TAC Committee on any other ground either available in the law the petitioner is at liberty to approach this Court.

(M.S. KARNIK, J.)

(B.R.GAVAI, J.)