

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

WRIT PETITION (L) NO. 2942 OF 2017

Kalawati Harjivandas Bhuta
and others

...Petitioner.

Versus

Municipal Corporation of Greater
Mumbai and others

...Respondents.

....

Mr. Madhav Jamdar i/b. Jaydeep J. Thakkar for the Petitioner.
Ms. Vandana Mahadik for MCGM.

Mr. P.S. Dani, Senior Advocate a/w Mr. Raj Patel, Mr. Sunny
Punamiya, Mr. Darshil Thakkar i/b. SSP legal & Co. for
Respondent No.4.

....

***CORAM : Smt. Vasanti A Naik &
Riyaz I. Chagla, JJ.***

DATE : 1st November, 2017.

P.C. :

Heard.

It is apparent from a perusal of the report of the Technical Advisory Committee that the Technial Advisory Committee has not followed the directions issued by this Court in the judgment in writ petition (L) No.1135/2014 while preparing the report pertaining to the condition of the building. We find that the visual inspection and the tests that are required to be conducted by the Technical Advisory Committee while preparing the report were not conducted by the committee. Hence, we dispose of the writ petition by passing the following order:

(1) The Technical Advisory Committee should follow the directions of this Court in the judgment in writ petition (L) No.1135/2014 and prepare a report about the condition of the building within ten weeks.

(2) The petitioners would occupy the building premises / structure at their risk and costs.

(3) The expenses for conducting the necessary tests by the Technical Advisory Committee should be equally borne by the petitioners and the respondent No.4 and the same should be paid to the corporation immediately after the demand.

(4) No order as to costs.

(Riyaz I. Chagla J)

(Smt.Vasanti A Naik, J)