

Amk

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

WRIT PETITION NO. 2714 OF 2016

Narendra Kumar Jasuja

.. Petitioner

Vs.

Mumbai Municipal Corporation
of Gr. Mumbai & Ors.

.. Respondents

Ms. Mamata Sadh i/b Zohair H. Zaidy for the Petitioner.

Mr. Bhavesh Parmar i/b Devmani Shukla for Respondent No.4.

Mr. Amar Mishra, AGP for the Respondent-State.

Ms. Vandana Mahadik for the MCGM.

**CORAM : SMT. VASANTI. A. NAIK AND
MR. RIYAZ I. CHAGLA, JJ.**

DATE : 27th NOVEMBER, 2017.

P. C. :

Heard.

It is not in dispute that the petitioner on one hand and the respondent No.4/owner on the other hand had submitted conflicting reports of Structural Engineers/Architects engaged by them, in respect of the condition of the building. According to the petitioner, the building could be repaired and does not require demolition, whereas according to the respondent No.4, the building is in a totally dilapidated condition and falls in c-1 category.

In the aforesaid set of facts, it is necessary to dispose of the writ petition by directing the corporation to refer the matter to the Technical Advisory Committee as per the directions in the Judgment in Writ Petition (L) No. 1135 of 2014 so that the TAC can carry out the inspection and the necessary tests to determine the condition of the building.

We, therefore, dispose of the writ petition with a direction against the corporation to refer the matter to the TAC, for preparation of a report as

per the directions in the Judgment in Writ Petition (L) No. 1135 of 2014 within four months. The parties are permitted to tender the documents in support of their respective cases to the TAC within 15 days. The impugned notice shall not be given effect till the TAC prepares the report and serves the same on the petitioner and the respondent No.4. It is needless to mention that the petitioner would occupy the premises at his risk and costs. The expenses required by the TAC for conducting the necessary tests should be borne equally by the petitioner and the respondent No.4. Order accordingly. No costs.

[RIYAZ I. CHAGLA, J.]

[SMT. VASANTI A. NAIK J.]