

Sharayu Khot.

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

WRIT PETITION (L) NO. 1208 OF 2018

Vasant Premji Dedhia & Ors.

...Petitioners

Versus

**Municipal Corporation of Greater
Mumbai & Ors.**

...Respondents

Mr. R.R. Sharma and Mr. Surya Das for the Petitioners.

Ms. Pallavi Thakar, for Respondent – BMC.

Mr. Pravin Samdani, Senior Counsel, Mr. Viraj Maniar and Mr.
Nakul Jain i/b Maniar Shrivastava & Co., for Respondent No.5.

**CORAM : ABHAY S. OKA AND
RIYAZ I. CHAGLA, JJ.**

DATE : 16 April 2018

ORDER :

1. Not on board. Taken on board.

2. Heard the learned Counsel appearing for the Petitioners. Perused the Report of Technical Advisory Committee (TAC) on the basis of which the last impugned notice has been issued.

3. After having perused the Report of TAC, we find that in this Petition several disputed questions of fact arise. Therefore, more appropriate remedy for the Petitioners will be to file a Suit. In fact, recording of evidence of the experts will be necessary. Only on this ground, we decline to entertain this Petition under Article 226 of the Constitution of India. The Petition is disposed of by granting liberty to file a Civil Suit.

4. Page 335 shows that as of today, the Municipal Corporation has not fixed a date of demolition of the subject structure and a notice has been issued only to take measurements. We, therefore, direct that the Municipal Corporation shall not fix the date for demolition for a period of one week from today.

[RIYAZ I. CHAGLA J.]

[ABHAY S. OKA, J.]