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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2112 OF 2015

Babulal G. Hingad & Ors. ...Petitioners
vs.
Municipal Corporation of
Greater Mumbai & Ors. ...Respondents

Mr.A.G.Damle, Senior Counsel a/w Mr.Ashokkumar
Mishra for the Petitioners
Mr.R.S.Apte, Senior Counsel and Ms K.H.Mastakar for
the respondent-MMC.
Mr.Sanjiv Sawant for respondent Nos.4 to 9.

CORAM : A.S.OKA, &
 RIYAZ.I.CHAGLA,JJ.
DATE : APRIL 26, 2018

P.C.:

1 The learned senior counsel appearing for the
Mumbai Municipal Corporation tenders a copy of the
decision of the Technical Advisory Committee taken
in the meeting held on 5th April 2018. In this
petition, apart from a challenge to the earlier
report of the Technical Advisory Committee, there is
a challenge to the communications issued which are
at exhibits I and J. By the communication at
Exhibit-I, the petitioners were informed that the
buildings were in dangerous condition and therefore,
water supply and electricity supply to the buildings
is being disconnected and that the petitioners
should shift to alternate accommodation offered to
them. The Communications at Exhibit J offer
alternate accommodations to the petitioners.

2 In the affidavit of Shri Sanjay Ramesh Thakur, the Administrative Officer (Estate) filed on behalf of the Municipal Corporation, it is stated that in the meeting of the Technical Advisory Committee held on 17th October 2014, a conclusion was drawn that first to fourth floors of the buildings are required to be demolished immediately after the same are vacated. Thus, the action of demolition was proposed on the basis of the earlier report of the Technical Advisory Committee.

3 Now, the Technical Advisory Committee has submitted a fresh report. The earlier reports of the said Committee cannot be acted upon now. Therefore, the Municipal Corporation will have to decide what action should be taken on the basis of the said report of the Technical Advisory Committee. If the Mumbai Municipal Corporation decides to take action of demolition, fresh notices will have to be issued to the occupants.

4 Accordingly, we dispose of this petition by passing the following order:

(I) If the Mumbai Municipal Corporation wants to take action of demolition on the basis of the report of the Technical Advisory Committee dated 5th April 2018, the Municipal Corporation will serve fresh notices to the petitioners. If fresh notices are issued calling upon them to remove themselves or for vacating the premises to enable the Mumbai Municipal

Corporation to demolish the building, ad-interim relief operative till today will continue to operate on the same conditions on which it was granted for a period of three weeks from the date on which notices are served to the petitioners;

(II) We make it clear that we have made no adjudication on the merits of the report of Technical Advisory Committee dated 5th April 2018 and all contentions in that behalf are kept open.

(RIYAZ.I.CHAGLA,J.)

(A.S.OKA,J.)