

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

WRIT PETITION (L) NO.1431 OF 2018

Rafiq Husain Babu Karbalai and Others ...Petitioners

vs.

Executive Engineer (D-2 Division),
MBR & R Board and Others ...Respondents

Dr. Birendra Saraf a/w. Mr. H.A. Hasim and Mr. Rohan Savant, for
the Petitioners

Mr. Milind Sathe, senior advocate a/w. Ms. Saumya Srikrishna, Mr.
Dhawal Mehta, Ms. Nanki Garewal, Mr. Shlok B., and Ms. Yagini B.
i/b. M/s. Wadia Ghandy & Co., for Respondent No. 3.

Mr. P.G. Lad, for Respondent Nos. 1 and 2.

Mr. Sayed Dilshad Husain, the Petitioner No. 5 present.

Mr. Ali Raza Chotkun Haider, the Petitioner No. 7 present.

Mr. Mohd Kaif Mustaq Ali, the Petitioner No. 8 present.

Mr. Ali Hasan Fayaz Husain, the Petitioner No. 10 present.

Mr. Ghulam Abbas Ali Raza, the Petitioner No. 11 present.

Mr. Amirjahan Sayed, the Petitioner No. 13 present.

**CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.**

DATE : APRIL 27, 2018

P.C.:

. Parties through their counsel.

2. The learned counsel for the Petitioners on instruction
from the Petitioners who are present in Court submits that the
Petitioners shall submit an undertaking in the usual form to the
effect that, they and they alone will be jointly and severally
responsible if the building in question collapses and that this

responsibility will extend to all claims from not only occupants of the building, and claims by the building owners but also third party claims by the Municipal Corporation members of the public.

3. With consent of the parties heard finally and disposed of at the stage of admission itself.

4. On the Petitioners' submitting the above mentioned undertaking before this Court within a week, the Respondent Nos. 1 and 2 is directed to decide the Petitioners' application dated 5th March, 2018 (Exhibit "B") submitted before the Chief Officer, Maharashtra Buildings Repair and Reconstruction Board as expeditiously as possible but in any case not later than eight weeks from the date of receipt of copy of this order.

5. We also direct the Respondent No. 1 Executive Engineer to consider and take appropriate decision in regard to the show cause notice dated 6th April, 2018 (Exhibit "A").

6. The Petitioners to submit reply of the said show cause notice within two weeks from today.

7. On receipt of the said reply, appropriate order as contemplated in the said notice, be passed by the first Respondent within eight weeks.

8. If an adverse decision to the interest of the Petitioners

on the show cause notice is taken, the same shall not be given effect to for a period of four weeks.

9. With the aforesaid direction, the Petition is disposed of.

(MAKARAND KARNIK, J.)

(SHANTANU KEMKAR, J.)