Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 1920 OF 2018
WITH
WRIT PETITION (L) NO. 1918 OF 2018
WITH
WRIT PETITION (L) NO. 1919 OF 2018
WITH
WRIT PETITION (L) NO. 1934 OF 2018

Saifee Burhani Upliftment Trust and ors. .. Petitioners
Vs.
Maharashtra Housing and Area Development Authority and ors. .. Respondents

ALONG WITH
CHAMBER SUMMONS (L) NO. 306 OF 2018
IN
WRIT PETITION (L) NO. 1920 OF 2018

Moiz Dawoodbhai Palitanawala .. Applicants

In the matter between

Saifee Burhani Upliftment Trust and ors. .. Petitioners
Vs.
Maharashtra Housing and Area Development Authority and ors. .. Respondents

Ms.Sowmya Srikrishna a/w Mr.Denzil Arambhan, Ms.Nanki Grewal, Mr.Shlok Bolar I/b M/s.Wadia Ghandy & Co., for the Petitioners in all the Petitions.
Ms.Aparna Murlidharan a/w Ms.Sayli Apte I/b Mr.P.G.Zad, for Respondents No. 1 & 2 in all Petitions.

Mr.Anirben Tripathi, for Respondent No.2 in WPL/1919/2018.
Mr.Ashif Husain, for Respondents No. 3A, 3B, 3C, 6, 30, 32, 33, 34 & 42 to 49 in WPL/1920/2018 and for Applicant in CHSWL/306/2018.

CORAM : B.R.GAVAI &
M.S.KARNIK, JJ.
DATE : 3rd OCTOBER, 2018

ORAL JUDGMENT (PER B.R.GAVAI J.) :

. Rule. Rule is made returnable forthwith. Heard by consent.

2. It is the contention of the Petitioners that they are undergoing the cluster development of the area known as Bhendi- Bazar wherein several buildings are situated.

3. It is submitted that insofar as the buildings which are the subject matter of these Petitions are concerned, notice is already issued by Mhada for vacating the premises, however, the Respondents – occupiers are not vacating the same on the ground that the buildings are repairable and do not require demolition.

4. It is the contention of the Petitioners that in a similar situation where a building collapsed, the officers of the Petitioners were put behind the bars. It is submitted that if such an eventuality reoccures, the Petitioners may again be made liable if building collapses.

5. We find that in view of the orders passed by this Court on 24/01/2018 in similar situation in Notice of Motion No. 125 of 2018 in Suit No. 3299 of 2003 (Coram: G.S.Patel, J.) and the one recorded in the order passed on 24/09/2019 in Writ Petition Stamp No. 1536 ofp 2018 (Coram : Shantanu Kemkar & Sarang V.Kotwal, JJ.), it is necessary that the Respondents – occupants be put on notice that they would continue to reside in the premises at their own risk and that if any unfortunate incident happens, the Petitioners would not be liable for the same.

6. Needless to state that disposal of the Petitions will not come in the way of the Respondent – Mhada in considering

the representation of the Petitioners if any.

7. The Petitions are disposed of with aforesaid observations.

8. In view of the disposal of the Petitions, Chamber Summons (L) No. 306 of 2018 does not survive and the same also stands disposed of.

(M.S.KARNIK, J.) **(B.R.GAVAI, J.)**