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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.1984 OF 2018**

Vijay Punjab Building No.17
Co-op. Housing Society Ltd. ... Petitioner
Vs.
Bombay Municipal Corporation and Ors. ... Respondents

Mr. S.A. Balwal I/by Vyas & Bhalwal for the Petitioner.
Ms. Druti Kapadia for the Respondent – BMC.
Mr. L.T. Satelkar, AGP for the Respondent – State.
Mr. Nikhil Patil I/by Mr. V.P. Sawant for the Respondent No.5.

**CORAM : A.S. OKA &
RIYAZ I. CHAGLA, JJ.**

DATE : 25th JUNE 2018

P.C.

1 There is no dispute that the facts of this petition are similar to the facts of the case of Writ Petition (L) No.1806 of 2018. Accordingly, for the reasons recorded in the judgment separately delivered today in the same, we dispose of the petition by passing the following order :-

ORDER

- (i) We direct that action of demolition of building No.17 shall not be taken on the basis of the impugned notice dated 7th May 2018;
- (ii) We direct the Technical Advisory Committee (TAC) to

reconsider the case of building No.17 by taking into consideration the report submitted by M/s.Global Engineering Service. TAC shall submit a fresh report as expeditiously as possible and preferably within a period of two weeks from today;

(iii) After fresh report is submitted by TAC, in the event the Municipal Corporation is satisfied that the building falls in category 'C-1', a fresh notice shall be served to the petitioner. If there are other occupants which are not represented by the petitioner, the notice be served to such occupants as well. Action of demolition shall not be taken for a period of 7 days from the date on which notice is served as aforesaid;

(iv) We make it clear that we have made no adjudication on the present structural status of the building and all issued are left open to be decided by the TAC and the Municipal Corporation.

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(RIYAZ I. CHAGLA, J)

(A.S. OKA, J)