

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

WRIT PETITION NO. 2158 OF 2015

Kekin T. Shah and another. ... Petitioners.

V/s.

The Municipal Corporation of Greater Mumbai
and others. ... Respondents.

Mr.Abhay Anturkar with Mr.Ajinkya Udane i/b. Mr.Sugandh
B. Deshmukh for the petitioners.
Ms.Geeta Joglekar for the respondent- MMC.
Mr.R.J.Mane, AGP for the respondent- State.

CORAM : A.S.OKA AND RIYAZ I CHAGLA, JJ.

DATE : 21st March 2018.

PC.:

The learned counsel appearing for the Mumbai Municipal Corporation, on instruction, states that all steps which must precede action of demolition on the basis of the notice under section 354 of the Mumbai Municipal Corporation Act, 1888 have been taken by the said Municipal Corporation. She states that vacant possession of the premises in the subject building could not be obtained as the Police protection was not provided. On instruction, she further states that as and when the Police protection is provided, the Municipal Corporation will take the notices mentioned in prayer clause (A) of the petition to its logical conclusion. We accept the said statement.

2. In view of judgment and order dated 28th February 2018 passed by this Court in Writ Petition No.1080/2015 (WPL No.1135/2014), the Police Commissioner will have to make available an adequate police protection to the Municipal Corporation as directed therein.

3. By accepting the aforesaid statement, we dispose of this petition by passing following order:

(i) The Municipal Corporation will apply to the appropriate officer of the Police for grant of an adequate police protection along with an authenticated copy of the judgment and order passed in Writ Petition No.1080/2015. Needless to add that the Police are bound to provide adequate police protection;

(ii) We make it clear that we have passed this order on the footing that the notices which are subject matter of prayer clause (A) of this petition are still legal and valid and there is no legal impediment in the way of the Municipal Corporation from enforcing the said notices. It is obvious that if any prohibitory order passed by the Court of law prevents implementation of the notice, these directions will not apply.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)