

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 8235 OF 2019

1 Ramchandra Jagannath Yeole & Ors. ... Petitioners

Vs

1 Sate of Maharashtra & Ors. ... Respondents

Mr. Sameer S. Kolge for the Petitioners.

Mr. B.V. Samant, AGP, for the Respondent-State.

***CORAM : S.C. DHARMADHIKARI &
G.S. PATEL, JJ.***

TUESDAY, 06TH AUGUST, 2019

P.C. :

1 Having heard the petitioners' advocate and with his assistance perusing Exhibit-A, copy of the Notice issued so as to ensure vacation of a building which is dangerous and highly dilapidated, we are of the firm view that the petition contains no averments, much less any specific allegation that this Notice is vitiated on account of any error of law apparent on the face of the record or perversity leave alone any *mala fides*.

2 A bald assertion in Ground C that respondent nos.3 to
5 with *mala fide* and illegal motive neglected to repair the
building and desire to have it demolished would not suffice. The
mala fides have to be that of the Municipal Corporation or a public
body. None of them are guilty of any *mala fides* if they intervene
to exercise their statutory powers which are in the nature of a
trust. They are endowed with such powers to ensure that old and
dangerous buildings do not collapse and take the lives of innocent
passers by or those residing within its neighbourhood.

3 The writ petition has, therefore, no merit and is
dismissed.

G.S. PATEL, J.

S.C. DHARMADHIKARI, J.