

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

WRIT PETITION NO.2201 OF 2018

Bhavita Kamlesh Shah and Ors. ... Petitioners
versus
Mumbai Municipal Corporation
and Ors. ... Respondents

Mr.Vishal Kanade with Mr.K.M.Savla i/b
Manish P. Jagani for the Petitioners.

Ms.Rupali Adhate for MCGM.

Mr.Sharad P. Chavan, Assistant Engineer
(Building & Factory) 'N' Ward, Ghatkopar
present.

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

DATE :- AUGUST 20, 2019

P.C. :-

1. On 22nd June, 2018, this Court was persuaded to pass the
following ad-interim order on this writ petition.

“Not on board. Taken on board.

1. Heard learned counsel appearing for the
Petitioners and learned counsel appearing for the
respondents.

2. Place the Petition on 20th July 2018 under the
caption of “Fresh Admission”.

3. Respondents to file a reply. By way of ad-
interim relief, we restrain the respondents from taking
action under Section 354 of the Mumbai Municipal
Corporation Act, 1888 and we direct them to
immediately restore the water supply and electricity

supply to the premises of the Petitioners subject to condition of the Petitioners filing an undertaking in this Court that they will occupy the premises in their respective possession at their own risk and that in the event of fall of the building or part thereof, they will be solely responsible for loss or damage caused to any third party. If such undertakings are not filed by the Petitioners within a period of two weeks from today, ad-interim relief shall stand vacated without further reference to the Court.”

2. When we find that the writ petitions challenging the notices under Section 354 of the Mumbai Municipal Corporation Act, 1888 have not only been piled up in this Court, but the ad-interim orders of the above nature pose a larger threat or harm to the public interest, the petitions were listed for directions. At that stage, we find out from the advocates appearing for the parties whether they are interested in proceeding with the writ petitions, in the sense, arguing them on their merits.

3. One such case is placed for direction today and after brief arguments, Mr.Kanade, learned counsel appearing for the petitioners, on instructions, says that the petitioners do not challenge the notices under Section 354 of the Mumbai Municipal Corporation Act, 1888. He only pressed that the ad-interim order be continued for a period of four weeks or such reasonable time as this Court deems fit and proper to enable the petitioners to arrange for alternate premises for their residence/business.

4. Having found that the writ petition is not pressed and the ad-interim order need not be continued any further, but to enable the petitioners to make an alternate arrangement, we accept the request of Mr.Kanade. We grant four weeks time to the petitioners to make an alternate arrangement and vacate the premises. Should they not, then the municipal authorities are at liberty to seek police assistance and secure forcible eviction of the petitioners in implementation of the subject notice. The petitioners shall not apply for any extension nor it will be granted.

5. The writ petition stands disposed of.

(G.S.PATEL, J.)

(S.C.DHARMADHIKARI, J.)