

Vijay D. Shetty and Anr.	...	Petitioners
versus		
Municipal Corporation of Greater Mumbai and Ors.	...	Respondents

**CORAM: S.J. KATHAWALLA &
B.P.COLABAWALLA, JJ.**

P.C.:

- SSP

3. In the instant case, TAC has subsequently submitted its report.
4. It is argued on behalf of the Petitioners that the building has been repaired in August, 2018 and the condition of the building is not dilapidated.
5. The Corporation has produced before us the report dated 4th October, 2019 submitted by TAC. The report sets out in detail the study carried out by the TAC on the basis of structural audit reports obtained by / produced before the TAC and the unanimous conclusion of the TAC that the structure known as Gopal Bhuwan, situated at Gangawadi, L.B.S. Road, Ghatkopar (W), Mumbai – 400 086 is in dilapidated condition and is categorised as C1 category and needs to be vacated and demolished immediately. A copy of the said report is taken on record and marked ‘X’ for identification.
6. Pursuant thereto, the Corporation issued a fresh notice dated 18th October, 2019 under Section 354 of the Act. The Petitioner approached the City Civil Court, Mumbai for urgent ad-interim reliefs. The City Civil Court has not passed blanket injunction on the demolition, but has directed the Corporation to follow certain guidelines. The Order reads thus :

“The defendant/MCGM is directed to follow the guidelines 1.07, 1.08 and 1.09 of guidelines of MCGM and take action in accordance with the said guidelines at the earliest. Till then no coercive action to be taken in respect of the suit building.”

7. The learned Advocate appearing for the Corporation states that the guidelines 1.07 and 1.08 have been complied with and they are in the process of complying with the guideline 1.09. He submits that after complying with the said guideline, the building would be demolished.

8. In the above circumstances, we are of the view that the Corporation was justified in refusing the request for renewal of trade license in favour of the petitioners (Exhibit D-1 to the Petition) on the ground that the matter was pending before the TAC. We see no reason to interfere with the said order passed by the Corporation by invoking our extra ordinary jurisdiction under Article 226 of the Constitution of India. The Writ Petition is therefore, dismissed.

(B.P.COLABAWALLA, J.)

(S.J.KATHAWALLA, J.)