

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

WRIT PETITION NO.2243 OF 2018

Natwar M. Chawada & Others Petitioners

Vs.

Mumbai Municipal Corporation & Anr. Respondents

Mr. Ashish U. Mishra for the Petitioners.

Ms Vandana Mahadik for the Respondents.

Mr. Aniket Bankar, Junior Engineer (B&F),
P/South Ward, MCGM, present.

Mr. Natwar M. Chawada, Petitioner No.1 &
Mr. Jashbhai C. Patel, Petitioner No.9, both
present in Court.

CORAM: S.C. DHARMADHIKARI &
SANDEEP K. SHINDE, JJ.

DATE : JULY 24, 2019

P.C:

1. After this writ petition was argued for some time and we expressed our opinion that it is not possible to interfere in writ jurisdiction with an action of issuing notice of demolition in relation to an old and dilapidated so also a dangerous structure, on instructions from two of the petitioners (one a senior citizen)

who are present in Court, the counsel seeks time to vacate the structure and handover vacant and peaceful possession thereof to the 2nd respondent.

2. In view of this statement made on instructions, while we dismiss this writ petition and vacate the ad-interim order, we direct that for a period of four weeks from today the respondents shall not take any action in furtherance of the notice. In the event the petitioners fail to vacate within the time stipulated above, the Municipal Corporation can enforce the notice in question and in that event, all assistance should be rendered to the Municipal Officials by the local/nearest police station. The writ petition is dismissed, subject to the above. No costs.

3. This order is passed in the presence of petitioner Nos.1 & 9 as also Mr. Aniket Bankar, Junior Engineer (B&F), P/South Ward, Mumbai and after perusing the records.

(SANDEEP K. SHINDE, J.)

(S.C. DHARMADHIKARI, J.)