

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2041 OF 2015
WITH
CHAMBER SUMMONS NO. 137 OF 2018**

Bharti Motiram Zope & Ors	...Petitioners
<i>Versus</i>	
State of Maharashtra & Anr	...Respondents

Mr Vaibhav Karnik, for the Petitioner (*Absent*).
Mr Hemant Haryan, AGP, for the Respondent-State.
Ms Vandana Mahadik, for the Respondent-MCGM.

**CORAM: S. C. DHARMADHIKARI &
G.S. PATEL, JJ
DATED: 30th August 2019**

PC:-

1. The writ petition was dismissed in default but came to be restored on 23rd March 2018. There was an ad-interim order which was operative and which operates till date.

2. After restoration, the writ petition has been appearing on our board but could not be taken up for want of time.

3. The petitioners have impugned a notice under Section 354 of the Mumbai Municipal Corporations Act 1888 dated 22nd June 2015 and a subsequent communication dated 7th July 2015.

4. The petitioners have stated before the Court that the opinion of the Technical Advisory Committee has not been obtained and yet the Municipal Corporation is proceeding with the notice.

5. We specifically listed such matters earlier but all of them could not be taken up. Now the petitions of this nature are pending, making it difficult for the Planning Authority/Municipal Corporation to deal with old, dilapidated and dangerous building in the Mumbai City and Suburban Districts. They have been neglected and after the benchmark of 30 years no audit has also been carried out. In these circumstances, we cannot risk the pendency of this petition as also continuation of the protection to the occupants. More so, when they and their Advocates are absent when the petition has been listed repeatedly.

6. In these circumstances, this writ petition is dismissed for want of prosecution and the ad-interim order is vacated forthwith.

(S. C. DHARMADHIKARI, J)

(G. S. PATEL, J)