

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

WRIT PETITION NO. 2812 OF 2018

Gnanesh V. Lakhia	}	Petitioner
versus		
Municipal Corporation of	}	
Greater Mumbai and Ors.	}	Respondents

Ms.Panthi Desai I/b. M/s.M.P.Vashi Associates for the petitioner.

Ms.Vandana Mahadik for the Municipal Corporation.

Mr.P.J.Thorat for respondent nos. 4, 6, 7, 11 and 13.

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

DATED :- AUGUST 2, 2019

P.C. :-

1. Heard both sides. Perused our earlier orders. The emphasis of the petitioner is on our earlier orders of 18th April, 2019 and prior thereto 13th March, 2019. Unfortunately, after the building has been demolished, the petitioner-owner has not negotiated any scheme of rehabilitation. The petitioner is unsuccessful in the challenge to the notice under section 354 of the Mumbai Municipal Corporation Act, 1888 (MMC Act) and consequent steps. The building was very old and dilapidated and deserved to be pulled down. It is accordingly pulled down. None is residing in

the premises and Mr.Thorat, therefore, says that respondent nos.4, 6, 7, 11 and 13 are left in lurch together with others for want of finalisation of arrangement. That arrangement is to grant permanent alternate accommodation to these respondents.

2. Merely because such arrangement has not been finalised, these respondents are not remedyless. They can proceed to have their rights in the property enforced by taking recourse to sub-section (5) of section 354 of the MMC Act. Any agreement for granting permanent alternate accommodation to these respondents, therefore, if not finalised, the rights in the property can still be protected by approaching a competent court. Leaving that course open to the parties so also all contentions therein, we dispose of this petition.

(SANDEEP K. SHINDE, J.)

(S.C.DHARMADHIKARI, J.)