

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO. 8 OF 2019***

Ajiut Shantaram Mahadik

... Petitioner.

V/s.

Maharashtra Housing Area Development
Authority, Gruh Nirman Bhavan, Bandra & Ors. ... Respondents.

None for the Petitioner.

Mr. P.G. Lad a/w. Ms. Aparna Murlidharan for Respondent No.1 -
MHADA

Mr. H.C. Pimple for Respondent No.3 - MCGM.

***CORAM : PRADEEP NANDRAJOG, C.J. &
N.M. JAMDAR, J.***

DATE : 26 JUNE 2019.

P.C. :-

Notwithstanding none appearing for the Petitioner, since this is a Public Interest Litigation, we have perused the pleadings.

2. It is stated in the Petition that Respondent No.5, who owned building at 23, Gola Lane 'A' Ward, Mumbai took permission from Respondent No.1 to effect repairs and Respondent No.1 sanctioned ₹ 4,27,231/- for repair work. F.S. Lokhandwala

was the Architect appointed. It is pleaded in paragraph 6 that under the garb of repairs the construction company to which the work was assigned i.e. Respondent No.4 constricted a mezzanine, made provisions for a lift, the building which had four floors was converted into a five storeyed building. It is pleaded that on 1 March 2014 the 1st Respondent issued a Stop Work Notice and in paragraph 9 it is pleaded that the building has since been demolished.

3. We are surprised that the prayer made is that the Respondent Nos. 1 and 2 be directed to demolish the entire building on the plea that it is not safe for human accommodation.

4. On the one hand it is pleaded that the structure has been completely demolished and yet prayer made is to direct demolition of the structure. There is a mis-match in the prayer and pleadings. The Petition is dismissed.

N.M. JAMDAR, J.

CHIEF JUSTICE