

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

WRIT PETITION LODGING NO.4339 OF 2018

Manoj C. Mehta and ors.

..Petitioners.

Versus

The Designated Officer – III,
Assistant Engineer (B. & F),
Municipal Corporation of Greater Bombay,
and Ors.

..Respondents.

Mr.Sanjiv A. Sawant along with Mr. H. S. Kadam I/b. Mr. A. P. Deshmukh, Advocate for the Petitioners.
Ms. K. H. Mastakar, Advocate for the MCGM.
Mr. Rui Rodrigues along with Ms. Devyani Wanjara I/b. B. R. Oza and Co., Advocates for the Respondent No.4.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : **February 12, 2019.**

P. C. :

1. Heard. The petition is filed challenging the notice dated 23rd August 2018 and 31st August 2018 issued by the Respondent-Corporation under section 354 of The Mumbai Municipal Corporation Act, 1888. The said notices are issued on the ground that the subject building is in dilapidated condition and is required to be pulled down. The Petitioners are tenants of the said building and Respondent No. 4 is the owner of the said building.

2. During the pendency of petition, however, the dispute between the Petitioners and Respondent No.4 is amicably settled and

they have arrived at settlement. Under the settlement, the parties have agreed to redevelop the said property with the Developers M/s. Yog Lifespaces LLP. Accordingly they have entered into consent terms dated 4th February 2019. The consent terms are signed by the Petitioners and Respondent No.4 as well as on behalf of developer M/s. Yog Lifespaces LLP. Petitioner Nos.1 and 2 and the husband of Petitioner No.5 as well as Respondent No.4 are present before the Court. On specific query, they submitted that the dispute between them is settled. They submitted that they have gone through the consent terms and understood the same and they have no objection to dispose of the writ petition in terms of the consent terms.

3. In the light of above, we take the consent terms on record and mark as Exhibit-A for identification. The petition is disposed of in terms of the consent terms. Undertakings given in the consent terms are accepted.

4. Respondent No.4 along with the said developer in the light of terms of the settlement shall apply for the building permission to the Respondent-Corporation and the Respondent-Corporation shall process the same expeditiously and in accordance with law.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]