

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5047 OF 2017

Mirza Gafful Baig Isa Baig	...	Petitioner
versus		
The Kalyan Dombivli Municipal Corporation and Ors.	...	Respondents

Mr. Rahul Kadam, for Petitioner.
Mr. Sandeep Shinde, for Respondent Nos.1 & 2.
Mr. Javed Patel, for Respondent No.3.
Mr. S.D.Vyas, 'B' Panel Counsel for State.

**CORAM: S.J. KATHAWALLA &
B.P.COLABAWALLA, JJ.**

DATE: 2nd JANUARY, 2020

P.C.:

1. By the above Writ Petition, the Petitioner who is a tenant of the ground floor premises of Parsi Galli, 10/31, Amin Falke Chawl, Kalyan 421 301, Dist. Thane, ('the said Premises') has impugned the notices issued by the Kalyan Dombivli Municipal Corporation under Section 262 of the Maharashtra Municipal Corporation Act, 1949. The said building is in dilapidated condition and is required to be demolished. Infact, a portion of the building has collapsed in the month of August, 2019. The photographs of the buildings produced in Court, shows that the structure cannot be allowed to stand on the suit plot and is required to be forthwith demolished. In view thereof, we see no reason to interfere with the impugned notices by invoking our extra

ordinary jurisdiction under Article 226 of the Constitution of India.

2. The learned Advocate appearing for the Petitioner now states that he is willing to handover the premises to the owner, subject to the landlord/developer executing necessary documents with regard to the permanent alternate accommodation to be provided to him upon reconstruction of the building. The issue pertaining to providing permanent alternate accommodation to the Petitioner by the landlord/developer is the subject matter of Suit No.52 of 2007 pending before the Civil Judge, Jr. Division, Kalyan and even otherwise, cannot be entertained by this Court.

3. The Writ Petition is therefore, dismissed.

(B.P.COLABAWALLA, J.)

(S.J.KATHAWALLA, J.)