

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

WRIT PETITION NO.1801 OF 2018

Uday Kumar Roy ... Petitioner
versus
The Municipal Corporation of Greater
Bombay and Ors. ... Respondents

Mr. Manoj Prajapati with Mr. Rushil Mehta, for Petitioner.
Mrs. Rupali Adhate with Mrs. Yamuna Parekh, for MCGM.
Mr. Narendra Bhoir, B and F, T Ward, present.

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

DATE: 23rd JANUARY, 2020

P.C.:

1. The Petitioner is an occupant of building namely ChittaSree Building, 2nd Floor, Flat No.9, Vasudeo Balwant Phadke Marg, 90 Ft. D.P.Road, Mulund (E), Mumbai – 400 081. In the above Writ Petition, he has prayed for the following relief :

“(a) that this Hon’ble Court be pleased to issue a Writ of Mandamus and/or any other writ, order and directions to Respondent Nos.1 and 2 to pull down the building being categorized as C-1 by the MCGM as per Ex-J to Petition;”

2. After going through the records, we found that the Corporation has been issuing notices to the owners/occupiers of the building since the year 2006, calling upon them to repair the building. The building is not repaired till date. The

Corporation has issued notice dated 5th March, 2018 under Section 354 of the Mumbai Municipal Corporation Act, 1888 to the owners/occupiers. Thereafter, the designated officer of the T Ward of the Corporation has also issued notice dated 7th June, 2018 , which reads thus :

“Sub : Dangerous Condition of Bldg. Known as “Chittashree Bldg. V.B.Phadke, Mulund (E), Mumbai 81.

The above subject building is declared as “Dilapidated Building” and categorized as C-1 type by Municipal Corporation of Greater Mumbai. Hence, it is dangerous to occupy and use the said building for habitation. The condition of Building is very dangerous and may collapse any time necessary notice under Section 354 of MMC Act to “Pull down” the building subject to terms and conditions was issued by this office against the owners/occupiers/tenants of “Chittashree Building.”

You are therefore, directed to vacate premises/building to save your life from danger immediately on receipt of this letter failing which water connection and electric supply will be “cut-off” immediately and further necessary action will be taken, which please be noted.”

3. Since despite the above notices, the occupants did not vacate their premises, the Corporation proceeded to cut off the water as well as electricity connections. Despite this action on the part of the Corporation, the occupants have not vacated the premises. The Corporation shall therefore, take necessary action in accordance with the law to avoid any mishap taking place causing loss to the life and limb of the

occupants and passers by. The learned Advocate for the Corporation on instructions from Mr. Bhoir, B&F, T Ward, who is present in Court, undertakes to take immediate action/steps in the matter.

4. The Writ Petition is accordingly disposed of.

5. However, the same is placed on board to report compliance on 10th February, 2020.

(B.P.COLABAWALLA, J.)

(S.J.KATHAWALLA, J.)