

Sharayu Khot.

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

WRIT PETITION (L) NO. 496 OF 2020

Shaikh Mohamed Tasnim Gulam & Ors. ...Petitioners

Versus

State of Maharashtra & Ors. ...Respondents

Mr. Sajjad Husainali Patel, for the Petitioners.

Mrs. Sheetal Metkari, a/w Ms. Vandana Mahadik, for the Respondent-MCGM.

Mr. Mohit Jadhav, a/w Ms. Megha Shigavan, Ms. Kajal Chourasia, for the Respondent No. 4.

Mr. Sachin Dorgugade, Sub-Eng. Water Works 'E' Ward.

**CORAM : S.J. KATHAWALLA &
R.I. CHAGLA, JJ.**

DATE : 24 February 2020

ORDER :

1. Petitioner is the owner of Mahavir Building situated at 4/6, Versova Road, Old Nagpada, Mumbai - 400 008. The building

consists of ground plus two floors. The ground floor has eight shops and the first and second floors have two flats each. Flat No. 201 on the second floor is occupied by the Petitioner. The earlier landlord has allotted the said flat to the Petitioners on ownership basis. Respondent No. 4 claims to have purchased the building in the year 2000. He has admittedly disconnected the water supply to the Flat No. 201 owned and occupied by the Petitioners. His Advocate has on instructions informed the Court that he has done so, since the Petitioners have not contributed towards water charges, maintenance charges, etc.

2. The learned Advocate appearing for the Petitioners informed the Court that the landlord / Respondent No. 4 not asked the Petitioners to contribute towards water charges, maintenance etc. This Court therefore, called upon Respondent No. 4 who is present in Court to produce evidence showing that the Petitioners were called upon to contribute their share towards common expenses. Respondent No. 4 now states that he has not upon the Petitioners to make any contribution towards common expenses like maintenance charges, water charges etc.

3. We are therefore, satisfied that the Respondent No. 4 has illegally stopped the supply of water to the Petitioners for which criminal action can be initiated against them. However, since Respondent No. 4 undertakes that he will forthwith reconnect the water supply to the Petitioners, the undertaking is accepted and he is directed to restore the water supply to the Petitioners' flat in the next two hours. The Petitioners too undertake to co-operate with the Respondent No. 4 and pay to the Respondents their proportionate share towards water charges as well as any other statutory charges. The undertaking is accepted.

4. The above Writ Petition is accordingly, disposed of.

[R.I. CHAGLA J.]

[S.J. KATHAWALLA, J.]