

jvs

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

SUO MOTU PUBLIC INTEREST LITIGATION NO.1 OF 2020

High Court on its own motion
(In the matter of Jilani Building
at Bhiwandi) ... Petitioner
Versus
Bhiwandi Nizampur Municipal
Corporation & Ors. ... Respondents

**WITH
INTERIM APPLICATION NO. 1304 OF 2021
IN
SUO MOTU PUBLIC INTEREST LITIGATION NO.1 OF 2020**

Shri Nilesh Manohar Baviskar ... Applicant

In the matter Between:

High Court on its sown Motion
(in the matter of Jilani Building
At Bhiwandi) ... Petitioner
Versus
Bhiwandi Nizampur Municipal
Corporation & Ors. ... Respondents

Mr. Sharan Jagtiani, Senior Avocate with Mr. Rohan Surve,
Advocate – Amicus Curiae with Mr. Malahhar Khan, Priyank
Kapadia, Shradhha Achliya, Advocates.

Mr.Aspi Chinoy-Senior Advocate with Mr.Joel Carlos, Mr.Om
Suryavanshi, Mr.A.Y.Sakhare-Senior Advocate, Mr.Rohan
Mirpury, Mr.Zishan Quazi, Ms.Trupti Puranik i/b. Aruna Savla
for the Municipal Corporation.

Mr. Vijay S. Kurle for applicant/intervener in IA/1304/2021.

Mr. R. S. Apte, Senior Advocate a/w Mr. N. S. Bobade i/by
Mr.M.J. Bhatt for respondent No.1-BNMC.

Mr. R. S. Apte, Senior Advocate i/by Mr. Mandar Limaye for respondent No.5/TMC.

Ms.Swati Sagvekar for respondent no.6 VVCMC.

Mr. Vijay D. Patil for respondent NO. 4 – UMC.

Mr. Sandip Marne for respondent No.8.

Mr. Nitin V. Gangal a/w Mr. Ashok D. Kadam for respondent No.12-CIDCO.

Ms. Kavita N. Salunke a/w Mr. Mayank Mishra and Mallika Pujari for Respondent No.13 – MMRDA.

Mr.Arun Chauhan-Asstt. Engineer (R.E.) City, Mr.Kundan Valvi-Designated Officer (P/N) and Mr.DeepakSharma-Asstt. Engineer (P/N) present.

**WITH
CRIMINAL PIL (ST) NO. 2617 OF 2020**

Sanjay Tanaji Gurav	...	Petitioner
Versus		
The State of Maharashtra & Ors.	...	Respondents

Mr. Bakul Bharat Bhosale a/w Panthi Desai for petitioner.

Mr. Deepak Thakare, PP with Mr. J. P. Yagnik, APP a/w Dr. F. R Shaikh, APP for State.

**WITH
(ORDINARY ORIGINAL CIVIL JURISDICTION)
SUO MOTU PUBLIC INTEREST LITIGATION NO.2 OF 2018**

The Gulab Pushpa Co-operative Housing Society Limited & Anr.	...	Petitioners
versus		
The Municipal Corporation of Greater Mumbai & Ors.	...	Respondents

**WITH
(ORDINARY ORIGINAL CIVIL JURISDICTION)
WRIT PETITION NO.780 OF 2021**

Rohit H. Tiwari	...	Petitioner
versus		

Municipal Corporation of Greater
Mumbai & Ors.

... Respondents

**WITH
(ORDINARY ORIGINAL CIVIL JURISDICTION)
PUBLIC INTEREST LITIGATION NO. 10 OF 2020
[PIL(L) NO. 4382 OF 2020]
WITH
INTERIM APPLICATION NO. 2568 OF 2020**

Asgar Abbas Shaikh
Versus

... Petitioner

The Municipal Corporation of
Greater Mumbai and Anr.

... Respondents

Mr.Laxminarayan Ramsiya Shukla with Mr.Puneet Shukla i/b.
Legal Vision for the petitioner in WP/780/2021.

Mr.Amit Potnis for the applicant in IA/2568/2020.

Mr. A. Y. Sakhare, Senior Advocate a/w Mr. Rohan Mirpuray &
Ms. K.H.Mastakar for MCGM in PIL/10/2020 and
WP/780/2021.

Mr.A.A.Kumbhakoni-Advocate General with Ms.P.H.Kantharia-
Government Pleader for State in SMP/2/2018.

Mr.Milind More-Additional Government Pleader for State in
WP/780/2021.

**CORAM :- DIPANKAR DATTA, CJ &
G. S. KULKARNI, J.
DATE :- JUNE 29, 2021**

PC :

1. Justice J.P.Devadhar (Retd.), appointed as Inquiry Commissioner by our order dated 11th June 2021, has submitted a preliminary report of inquiry dated 28th June 2021. According to the Inquiry Commissioner, it is a preliminary report of inquiry.

2. We have read the preliminary report, which appears to be quite comprehensive. It appears that the terms of reference have been answered by the Inquiry Commissioner by giving specific findings. He has also made his own recommendations to deal with the problem of unauthorized construction in Malvani area, where the building collapse on 10th June 2021 took the lives of 12 individuals.
3. Copies of the preliminary report have been shared with the learned Advocate General, Mr.Chinoy, learned senior counsel for the Municipal Corporation and Mr.Jagtiani, learned senior counsel and Amicus Curiae. We would expect the learned senior counsel to address us on the question of acceptability of the preliminary inquiry report of the Inquiry Commissioner on the next date.
4. After hearing learned senior counsel on the preliminary report, as aforesaid, and making such order as may be considered appropriate in the facts and circumstances, we propose to hear the larger issue forming part of the *suo motu* PIL petition. The parties shall come prepared to address us after considering the recent report that has since been filed by Mr.Jagtiani and shared with the parties.
5. Stand over to **2nd July 2021**.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)