

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.12869 OF 2019

BEENA CHANDRAKANT GHODKE AND ANOTHER..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Smt. Anjali Dube (Bajpai), Advocate for the
Petitioners.

Mr. S. P. Tiwari, AGP for Respondents-State.

Mr. H. V. Patil, Advocate for Respondent No.3.

Mr. S. S. Panale, Advocate for Respondent No.4.

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**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 15th NOVEMBER, 2021.

PER COURT:-

1. The petitioners claim to be the owners of the House No.R-6/1314/C situated at Annabhau Sathe Chowk, Latur, District Latur.

2. It is contended that, the structure is more than 60 years old. Respondent no.4 is carrying on his business of country liquor and a canteen. The said structure is in dilapidated condition. The Corporation issued notice that, the structure is in dilapidated condition and requires to be demolished. The petitioner was directed to get the structural audit done of the building and to pull down the building. The petitioner agreed that the construction is in dilapidated condition and

requested the authority to demolish the building and that the petitioner is ready to bear the expenses. The structural audit was carried out by the Structural Engineers and confirmed the dilapidated condition of the building. However, the Corporation is not acting upon its notice and is not taking steps to demolish the dilapidated building. There is a danger to the life of the residence.

3. It is the contention of respondent no.4 that, the structure is not in dilapidated condition and is in habitable condition. The business is running properly. He has also submitted the report of the Structural Engineers.

4. Naturally the tenant will try to show that the structure is habitable, whereas the owner of the building would be interested in demolishing it. The Corporation had already issued notice relying upon the report of the Structural Engineers.

5. Contrary reports appear on record. In view of that, we pass the following order:

ORDER

I. The respondent-Municipal Corporation shall get the structural audit conducted through the expert committee from the Government Polytechnic College, Latur on payment of necessary charges.

II. The petitioner and respondent no.4 shall

equally contribute the charges for structural audit to be conducted by the expert committee of Government Polytechnic College, Latur. The said charges shall be paid within a period of fifteen days of the communication by respondent no.3-Corporation.

III. The structural audit shall be conducted by the expert committee of the Government Polytechnic College, Latur preferably within a period of two months from the date of receipt of the charges. The Corporation shall within a period of fifteen days from today request the Government Polytechnic College, Latur the amount to be deposited for conduct of structural audit and the same shall be communicated by the Government Polytechnic College, Latur to the Corporation within a period of two weeks thereafter.

IV. Depending upon the report of the expert committee received from the Government Polytechnic College, Latur, the Corporation shall take further steps and action.

6. With the aforesaid observations and directions, writ petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE