

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1737 OF 2021
IN
SUO MOTU P.I.L. NO. 01 OF 2020

The Municipal Corporation for Gr. Mumbai ... Applicant.

In the matter between :

High Court on its own Motion, ... Petitioner.
 Building collapses and lives lost.

V/s.

Bhiwandi Nizampur Municipal Corporation & Ors. ... Respondents.

Ms. Dhruiti Kapadia, Advocate a/w. Mr. Om Suryavanshi for the the Applicant – MCGM.

Mr. A.A.Kumbhakoni. AG a/with Shri P.P. Kakade, GP, Shri B.V.Samant, AGP & Smt. R.A. Salunkhe, AGP for the State.

Mr. Nitin V. Gangal, Advocate for Respondent No. 12- CIDCO.
 Adv. Kavita N. Solunke, Advocate a/w. Mayank Mishra & Mallika Pujari for the Respondent No. 13 MMRDA.

Mr. Indin Labde, Advocate a/w. Amogh Singh for the Respondent Nos. 18 & 20.

CORAM : A.A.SAYED & S.G.DIGE, JJ.
DATE : SEPTEMBER 30, 2021.

P.C. :

1. Interim Application No. 1737 of 2021 is taken out by the Applicant-Municipal Corporation for Greater Mumbai seeking the following reliefs :

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(a) to allow the Applicant -MCGM to intervene in the present petition;

(b) to allow the Applicant-MCGM to take immediate action with respect to the dilapidated and dangerous building known as “Zaveri Bhuvan”, situated at Nariman Road, Vileparle (E), Mumbai -057 and to demolish it so as to prevent the loss of lives of the citizens;

(c) For grant of any other order and/or reliefs that this Hon’ble Court may deem fit and proper in favour of the Applicant.

2. Learned Counsel for the Applicant Corporation has invited our attention to paragraph 4 of the order dated 11th June, 2021 of the Special Bench of this Court in *Suo Motu* PIL No. 1 of 2021. By the said order, it is *interalia* directed that before proceeding with demolition, the Municipal Corporation / Municipal Council / Panchayat / Local Body may seek appropriate orders from the Division Bench in *seisin* of *Suo Motu* PIL No. 01 of 2020.

3 There is TAC (Technical Advisory Committee) Report which has declared the subject building viz. “Zaveri Bhuvan”, Nariman Road, Vile Parle (E), Mumbai 400 057 as “C-1” category. Learned Counsel for the Applicant Corporation submitted that the notice under section 354 of the Mumbai Municipal Corporation Act, 1888 (pull down notice) has been issued. From photographs which are annexed to the Application, the said building appears to be in completely ruinous and dangerous condition. Learned Counsel for the Applicant-Corporation submitted that the said

building is completely vacant. She has invited our attention to orders passed by the Division Bench, allowing Interim Applications seeking similar reliefs.

4. Learned Counsel for the Applicant-Corporation submitted that the building is in such a dangerous condition that it may collapse any time and it would be unsafe for the passers-by. She has pointed out Exh. “J” which is the Area Information Statement, annexed at page 46 of the Interim Application.

5. In the circumstances, we allow the Interim Application in terms of prayer clauses (a) and (b).

6. The Interim Application to stand disposed of.

7. We make it clear that the Applicant-Corporation shall follow its guidelines of 2018 prior to carrying out demolition of the said building.

(S.G.DIGE, J.)

(A.A. SAYED, J.)

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