

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1738 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. 1738 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 declared as C-1 category known as “Rambaug Building” situated at CTS No. 1530, 1530-1-12, N.P. Thakkar Road, Vileparle (E), Mumbai-400 057, 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. “Rambaug Building” at CTS No. `1530, 1530-1-12, N.P.Thakkar Road, Vile Parle (E), Mumbai 400 057 as “C-1” category. Learned Counsel for the Respondent Corporation submitted that under section 354 (pull down) notice dated 26.10.2020 under Mumbai Municipal Corporation Act 1888 has been issued. From the 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 one of the occupants of the said building has approached the City Civil Court at Dindoshi. However, the Notice of Motion taken out by the said occupant was dismissed on 29.04.2021. 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.

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 including preparation of Area Information Statement prior to carrying out demolition of the said building.

(S.G.DIGE, J.)

(A.A. SAYED, J.)

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