

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

WRIT PETITION NO. 7395 OF 2021

Deepak Bhagwandas Kanaya ...Petitioner
Versus
Mira Bhayander Municipal Corporation, Thane ...Respondent

Adv. Ashutosh R. Gole for the Petitioner.
Mr. M. S. Lagu for the Respondent-Corporation.
Mr. Maruti Gaikwad, Dy. Municipal Commissioner present.

**CORAM : A. A. SAYED &
S. G. DIGE, JJ**

DATED : 29th OCTOBER, 2021

P.C.:

The Petition is filed challenging the notice dated 13.10.2021 under section 264 of Maharashtra Municipal Corporation Act, 1949 calling upon the Petitioner to demolish the structure in question. The Petitioner has already submitted Structural Audit Report of a Structural Engineer on the panel of the Respondent - Mira Bhayander Municipal Corporation categorizing the structure in question in C-2B category.

2. Learned Counsel for the Respondent-Corporation states that the Respondent-Corporation would appoint their Structural Engineer to conduct the structural audit of the building and in the

event, the same is contrary to the Structural Audit Report submitted by the Petitioner the matter would be referred to the Technical Advisory Committee (TAC) who would take appropriate decision.

3. In view of the above statement, we dispose of the Petition by setting aside the impugned notice dated 13.10.2021. The Respondent-Corporation shall follow due process of law and their policy before taking further steps against the structure of the Petitioner.

4. The Petition to stand disposed of the above terms.

(S. G. DIGE, J.)

(A. A. SAYED, J.)