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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4015 OF 2022

Jaimani Sadashiv Shetty & Ors.] .. Petitioners

vs.

Municipal Corporation for the City of]
Kalyan and Dombivli & Ors.] .. Respondents

Mr.Sachin Dhakephalkar for Petitioners.

Mr.Sandeep Shinde for Respondent-Corporation.

Mr.Pradeep Thorat a/w Mr.Prayag Joshi a/w Jitendra B. for Respondent No.5.

**CORAM : A.A.SAYED &
ABHAY AHUJA, JJ**

DATE : 5TH APRIL, 2022.

P.C.

1] The subject property is categorized as C-1. It is an admitted position that the Petitioners have already filed suits in the Civil Court and ad-interim reliefs have been rejected. It is only thereafter that the present Petition has been filed. Despite there were several Structural Audit Reports, the Civil Judge, as a matter of fact even directed Structural Audit Report from IIT, Mumbai, which has also categorized the subject building as 'C-1'.

2] Learned Counsel for Respondent No.5-landlady has pointed out that the occupants of the first and second floor of the building have already vacated the premises in their occupation.

3] Learned Counsel for the Respondent-Corporation states that the area measurements of the premises have been carried out on 14.10.2021.

4] In the facts and circumstances of the case, we are not inclined to exercise the extra ordinary writ jurisdiction of this Court and entertain the Petition. The Petition is accordingly dismissed.

5] Learned Counsel for the Respondent-Corporation submits that the demolition is scheduled on 06.04.2022.

6] Learned Counsel for the Petitioners requests that the Petitioners may be granted a week's time to vacate their respective premises.

7] In the event all the Petitioners file Undertakings in this Court by tomorrow that they will vacate the premises in their occupation within one week from today, the demolition of the building shall be deferred by a week.

8] Needless to say that the rights of the Petitioners would be protected in accordance with the policy of Respondent-Corporation.

[ABHAY AHUJA, J]

[A.A.SAYED,J]