

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 3590 OF 2021

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Rizwan Ahmed Ishtiyaque Shaikh
and Ors.

..... Petitioners

Vs.

The Brihan Mumbai Municipal Corporation
and Ors.

..... Respondents

Mr.Kunal Bhanage a/w Mr.Vasim Siddiqui a/w MrAkshay Pawar for
the Petitioners

Mr.Sandeep Aole a/w Mr.Raghav Taneja i/b M/s/Vidhi Partners for
the Respondent no.3

Ms.Dhruti Kapadia a/w Ms.Oorja Dhond i/b Mr.S.K.Sonawane for the
Respondent BMC

**CORAM: S.V.GANGAPURWALA &
ARIF S. DOCTOR, JJ.**

DATED : NOVEMBER 29, 2022

P.C.

1 The Petitioners are challenging the TAC report. The learned Counsel for the Petitioners submits that the survey and the measurements were not carried out. The Petitioners are the tenants. They have their right over the premises. According to the learned counsel, the guidelines in respect of C-1 building are also laid down. Steps to be undertaken if building is to be re-developed are detailed in the guidelines applicable to C-1 building.

2 It appears that the Corporation has carried out the survey and has given the area of the shops in the affidavit filed by the Corporation. The said dispute now does not remain. The building is categorised as C-1 building. In view of that, further protection need not be granted qua the building in question.

3 As far as the rights of the tenants are concerned, same are well detailed under the statute. Naturally, when the re-development of the subject property is undertaken, the Corporation, while granting sanction for redevelopment, has to abide by its own policy and has to follow the guidelines as enumerated for C-1 building.

4 Today, we have no reason to believe that the Corporation would not abide by those guidelines.

5 The learned Counsel for the Petitioners submits that Petitioners have vacated their respective shops.

6 The rights of the legitimate tenants are protected and certainly parties would follow the guidelines enumerated for C-1 building.

7 With these observations, the Writ Petition is disposed of. No costs.

(ARIF S. DOCTOR,J.)

(S.V. GANGAPURWALA, J.)