

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.7190 OF 2022

M/s Rameshchandra and Brothers, Jeevanchhaya Colony, Rukhmini Nagar, Amravati
-vs-

State of Maharashtra, The Secretary, Urban Development Dept. Mantralaya, Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Alok Daga, Advocate for petitioners.

Ms T. Udeshi, Assistant Government Pleader for respondent Nos.1
and 6.

Shri J. B. Kasat, Advocate for respondent Nos.2 and 3.

CORAM : A. S. CHANDURKAR AND ANIL L. PANSARE, JJ.

DATE : November 22, 2022

The challenge raised in this writ petition is to the notice dated 04/11/2022 and the notice dated 11/11/2022 issued by the Amravati Municipal Corporation proposing to demolish the structure, portion of which the petitioner claims to be in occupation as tenant on the ground floor.

According to the learned counsel for the petitioners the guidelines framed on 17/07/2020 by the Corporation have not been complied with while undertaking such demolition. It is therefore prayed that until such compliance is made, the demolition be stayed.

We have perused the notice dated 04/11/2022 and 11/11/2022 along with structural report of the Engineer dated 22/07/2022. It is seen that as per that report, the entire build-

ing is not found fit for human habitation. Though in the said report there is an observation that front portion of the building on the ground floor and first floor is in a good condition, reading of entire report clearly indicates that the conclusion as drawn in paragraph (v) is based on the material therein. We therefore do not find any reason to direct the Municipal Corporation not to act upon the notice of demolition issued under Section 354 of the Maharashtra Municipal Corporation Act, 1949. Insofar as other rights of the petitioners are concerned, it is open for them to pursue the same in accordance with law in terms of the communication dated 20/08/2021 issued by the respondent No.3.

With these observations, the writ petition is disposed of.

No costs.

(Anil L. Pansare, J.)

(A. S. Chandurkar, J.)

Asmita