

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5631 OF 2017

Rajshekhar Mahadeo Kiddad and Ors. ... Petitioners
V/s.

The Bhiwandi Nizampur City Municipal ... Respondents
Corporation and Ors.

Mr. Dhananjay A. Athavale for Petitioners.

Mr. N.R. Bubna for respondent no.1-Corporation.

Mr. Atul Damle, Senior Advocate a/w. Mr. R.D. Suryawanshi for
respondent no.2.

**CORAM : SUNIL B. SHUKRE &
M.W. CHANDWANI, J.J.**

DATE : 13TH JANUARY 2023.

P.C. :

. Heard.

2. Rule. Rule made returnable forthwith heard finally by
consent of the parties.

3. We are of the view that, the issue involved in this petition
can be resolved by giving liberty to the petitioner to make an
appropriate application before the Corporation seeking permission to
carry out repairs to the structures involved in the petition. After all,
these structures have been examined for their structural stability by

Structural Engineer and his report, tendered to the Court today is taken on record and marked as 'A collectively' for the purpose of verification. The report shows that these structures require urgent major repairs and it falls under C2A building category.

4. We, therefore, grant liberty to the petitioners to make appropriate application seeking permission to carry out repairs to the structures involved in this petition at their own expenses, within a period of two weeks from the date of this order. As and when such application is received by the Corporation, the Corporation shall decide it in six weeks after giving opportunity of hearing to the owners i.e. respondent nos. 2, 3 and 4, in accordance with law.

5. The petition is disposed of in the above terms; Rule accordingly.

(M.W. CHANDWANI, J)

(SUNIL B. SHUKRE, J)