

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

WRIT PETITION NO.11825 OF 2022

DBS Bank India Ltd. Thr. Asst. Manager .. Petitioner
v/s.
The Municipal Commissioner Navi
Mumbai Municipal Corpn. And Ors. .. Respondents

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Mr. Y.S. Jahagirdar, Senior Advocate, a/w. Mr. Praveen Babu, Mr. G.H. Keluskar, Mr. Vilas Tendolkar, Mr. Yogesh Pednekar and Mr. G. Saikrishna Suvilash, for the Petitioner.

Mr. Tejesh Dande, for Respondent No.1 – Corporation.

Mr. Nitin V. Gangal, a/w. Ms. Namita M. Mestry and Mr. Ashok Kadam, for Respondent No.2 – CIDCO.

Mr. Ranjit A. Thorat, Senior Advocate, a/w. Pratibha Shelake, i/b. Rohan Barge, for Respondent No.4.

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**CORAM: SUNIL B. SHUKRE &
JITENDRA JAIN, JJ.**

DATE : 16th JUNE 2023

P.C:-

Heard learned Senior Advocate for the Petitioner and
learned Counsel for the Corporation.

2. It is not in dispute that Writ Petition No.5888 of 2023 was a petition connected to the issue involved in the present petition.

However, when Writ Petition No.5888 of 2023 was finally disposed of, it appears that this petition was not taken up for final hearing on that day because there was no order passed to the effect that this petition be tagged along with Writ Petition No.5888 of 2023.

3. Be that as it may, considering the fact that now this Court has directed the Corporation to decide the representation of the Petitioner in Writ Petition No.5888 of 2023, which pertains to an issue about structural stability of the building in question, which issue is basically no different than the issue involved in the present petition, we direct that this petition would also be governed by the order passed on 9th June 2023 in Writ Petition No.5888 of 2023 with the addition that while deciding the representation of the Petitioner in Writ Petition No.5888 of 2023, the Corporation shall not only give consideration to the Structural Audit Reports filed by the Petitioner, previous Audit Reports, if any, but also to the repairs carried out to the building in question by the Petitioner and the effect of these repairs on the overall condition of the building.

4. With these observations, we dispose of the petition with a direction to the Corporation to ensure compliance with the above referred observations and also the observations made in the order dated 9th June 2023 in Writ Petition No.5888 of 2023.

(JITENDRA JAIN, J.)

(SUNIL B. SHUKRE, J.)