

Prajakta Vartak

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

WRIT PETITION NO. 509 OF 2023

Matilda Vaz & Ors. .Petitioners
Vs.
Municipal Corporation of Gr. Mumbai & Ors. .Respondents

Mr. J. K. Shah with Mr. Murtuza Bohra and Ms. Pooja Shah i/b. R. J. Law
for Petitioners.

Mr. Kunal Waghmare i/b. Mr. Sunil Sonawane for the MCGM.

Mr. Rahul Jain for Respondent No.5.

Mr. Raju Wadile, A.E. (B/F) H/E Ward present.

CORAM : G. S. KULKARNI &
R. N. LADDHA, JJ.
DATE : MARCH 24, 2023

P.C.:

1. Mr. Kunal Waghmare, learned counsel for the respondent-
Municipal Corporation, on instructions, states that the Municipal
corporation is ready to refer the conflicting Structural Audit Reports to the
Technical Advisory Committee (TAC). If that be so, further adjudication
of the petition is not called for. Let such reports be placed before the TAC.

2. The TAC shall accordingly follow an appropriate procedure in law
and arrive at its own independent findings after hearing the petitioners as
also respondent nos.5 and 6. Let the entire exercise be completed within a

period of six weeks from today.

3. In the meantime, the petitioners and all other occupants of the building shall occupy the same at their own risk and consequences and shall not hold the Municipal Corporation or other respondent or any State authority responsible and/or liable in the event of any untoward incident of collapse.

4. If the report of the TAC is against the petitioners, any further action be taken after a period of 15 days from the communication of the report of the TAC, however, this shall be subject to the condition as observed in paragraph (3) of this order.

5. All contentions of the parties are expressly kept open.

6. Disposed of in the above terms. No costs.

[R. N. LADDHA, J.]

[G. S. KULKARNI, J.]