Amol

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2364 OF 2015
WITH
INTERIM APPLICATION (L) NO. 3783 OF 2021
WITH
INTERIM APPLICATION (L) NO. 9171 OF 2020
WITH
INTERIM APPLICATION (L) NO. 9239 OF 2020
WITH
INTERIM APPLICATION (L) NO. 3158 OF 2021
WITH
INTERIM APPLICATION (L) NO. 3164 OF 2021
WITH
INTERIM APPLICATION (L) NO. 3200 OF 2021
WITH
INTERIM APPLICATION NO. 565 OF 2022
WITH
INTERIM APPLICATION NO. 2415 OF 2020
WITH
INTERIM APPLICATION NO. 1613 OF 2020
WITH
INTERIM APPLICATION NO. 2416 OF 2020
WITH

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INTERIM APPLICATION NO. 4826 OF 2022

WITH

CHAMBER SUMMONS (L) NO. 442 OF 2015

WITH

INTERIM APPLICATION NO. 2019 OF 2019

IN

CHAMBER SUMMONS (L) NO. 442 OF 2015

WITH

CHAMBER SUMMONS (L) NO. 528 OF 2018

WITH

NOTICE OF MOTION NO. 385 OF 2018

IN

WRIT PETITION NO. 2364 OF 2015

Aakar Infraprojects Pvt Ltd & Anr …Petitioners

Versus

Municipal Corporation for Greater Mumbai & Ors …Respondents

WITH

CONTEMPT PETITION (L) NO. 4027 OF 2020

IN

WRIT PETITION NO. 2364 OF 2015

Lata R Chhabria …Petitioner

Versus

Municipal Corporation for Greater Mumbai & Ors …Respondents

Mr Sharan Jagtiani, **Senior Advocate**, *with Mayur Khandeparkar, Vishal Kanade, Pryank Kapadia, Y Udwadia, Dhaval Mehta, Bijal Gandhi, i/b, DM Legal Associates, for the Petitioner in WP/2364/2015.*

Ms Shreema Doshi, *i/b, Lexicon Law Partners, for the Applicant in CHSWL/442/2015.*

Mr Sukanta Karmakar, **AGP**, *for the Respondent-State..*

Mr Dushyant Kumar, *with Pooja Yadav & Kunal Waghmare, for the Respondent-MCGM.*

Mr Nilesh Ojha, *with Tanveer Nizam, Samkit Shah, Abhishek Mishra, for Respondent No. 7.*

Mr Vijay Kurle, *with Chandrashekhar Acharya, for Respondent No. 14.*

Ms Kirti Bhavsar, *for Respondent No. 15, in some of the matter.*

Ms Kirti Bhavsar, *for the Applicant in IAL/3164/2021 & IAL/3200/2021.*

Mr Sanjay R Chhabria, **In Person**, *present for some of the parties in IAL/9239/2020, IAL/3787/2021, IAL/9171/2020.*

Mr Ranjeet Ramchan Bathge, **In Person**, *present for Respondent No. 9A in WP/2364/2015.*

CORAM G.S. Patel &
Kamal Khata, JJ.
DATED: 3rd October 2023

PC:-

1. On instructions, Mr Jagtiani seeks leave to withdraw the Writ Petition with liberty to file appropriate proceedings in a Court of competent civil jurisdiction. Leave granted with liberty as prayed.

2. There are four Intervention Applications, viz., Chamber Summons (L) No. 442 of 2015, Interim Application (L) No. 9239 of 2020, Interim Application (L) No. 3164 of 2021 and Interim

Application (L) No. 3200 of 2021. All these are infructuous and disposed of accordingly.

3. There are three applications under Section 340 of the Code of Criminal Procedure, 1973 viz., Interim Application No. 1613 of 2020, Interim Application No. 2416 of 2020 and Interim Application (L) No. 9171 of 2020. These are also disposed of with liberty to applicants to adopt appropriate proceedings as they may be advised in accordance with law.

4. There are four applications, viz., Interim Application No. 2415 of 2020, Interim Application (L) No. 3158 of 2021, Interim Application (L) No. 3783 of 2021 and Interim Application No. 4826 of 2022, which raise questions of maintainability and other contentions. These are also infructuous and disposed of accordingly.

5. There is an Interim Application No. 565 of 2022 in a Notice of Motion No. 385 of 2018 by the Petitioners for interim relief. These will also now not survive and are disposed of accordingly, but with liberty to the Petitioners to seek identical or similar or additional reliefs in any civil proceedings that they file.

6. All contentions are kept open for all proceedings.

7. Since the dispute pertains to the structural stability of the building, we only note the statement by Mr Ojha that essential repairs required by the Municipal Corporation of Greater Mumbai ("**MCGM**") have been carried out, although this statement is

contested by Mr Jagtiani for the Petitioners. Those who continue in occupation obviously do so at their own risk.

8. There will be no order as to costs.

(Kamal Khata, J) **(G. S. Patel, J)**