

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1361 OF 2021

Shaishta Majid Khan Through

her Constituted Attorney

Iqbal Yakub Khan & Ors.

.. Petitioners

Vs.

Municipal Corporation of Greater Mumbai & Ors.

.. Respondents

ALONGWITH

INTERIM APPLICATION (L) NO.30568 OF 2022

IN

WRIT PETITION NO.1361 OF 2021

Naim Pahim Qureshi & Ors.

.. Applicants

Vs.

Municipal Corporation of Greater Mumbai & Ors.

.. Respondents

AND

WRIT PETITION NO.1411 OF 2021

Parveen S. Khan

.. Petitioner

Vs.

Municipal Corporation of Greater Mumbai & Ors.

.. Respondents

- Mr. Amrut Joshi i/b. Mr. Ketan Dhavale for the Petitioners in both Petitions.
- Ms. Dhruti Kapadia a/w. Ms. Pooja Yadav i/b. S.K. Sonawane for MCGM in both Petitions.
- Mr. V.M. Parkar for Respondent Nos.3(a), 20(a), 22(a), 37(a), 46(a) & 47(a) in WP/1361/2021.
- Mr. A.Z. Mookhtiar a/w. Mr. Ahnan Mookhtiar for Respondent No.55 in WP/1361/2021.
- Mr. Jayesh Madhav Joshi for Respondent No.3 in WP/1411/2021.

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

DATE : 25TH JANUARY, 2023.

P.C. :

1. Leave to amend cause title by correcting the name of petitioners is granted. Amendment to be carried out forthwith.
2. Heard.
3. In terms of the order passed by this Court on 26.09.2022, the inspection has been carried out and now report of the inspection is placed before this Court.
4. We have gone through the inspection report and in its concluding paras, it is stated that it would be better to carry out fresh structural audit of both the buildings and the Tenant and Owner both can submit structural audit report with NDT tests carried out by the BMC empannelled structural consultant and thereafter the office of BMC would follow guidelines issued for declaring building as C-1 category in view of the directions issued by this Court in Writ Petition No.1135 of 2014 and another identical matter.
5. The parties do not have objection if both tenants and owners are given an opportunity to submit their structural audit reports as

recommended in the inspection report and thereafter follow the procedure as per the guidelines issued for classifying the buildings in different categories. In view of above, the petitions are disposed of in terms of the aforestated concluding remarks made in the inspection report dated 13.10.2022 while keeping all questions open.

6. The parties shall submit their respective structural audit reports within a period of four weeks from today and decision in accordance with law will be taken by the Corporation within eight weeks thereafter.

7. The petitions are disposed of in the above terms.

8. Interim application is disposed of in terms of the final order.

[M.W. CHANDWANI, J.]

[SUNIL B. SHUKRE, J.]