



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

WRIT PETITION NO. 516 OF 2023

Girish P Agrawal ... Petitioner

V/s.

Mumbai Metro rail Corporation ... Respondents
Limited

Mr. Prerak Choudhary for petitioner.

Mr. Milind More, Additional G.P. for the State.

Mr. Roop Basu I.by the Law Point for respondent no. 1.

Mr. S.S. Ambedkar for respondent no. 6

CORAM : SUNIL B. SHUKRE &
FIRDOSH P. POONIWALLA, JJ

DATE : 11th OCTOBER 2023.

PC:

1. Heard learned counsel for the petitioner, learned counsel for respondent no. 1 and learned AGP for respondent no. 7.

2. The main grievance of the petitioner is that the structure known as 'Agrawal building' has suffered so much damage due to underground excavation, pilling and blasting carried out by respondent nos. 1 and 2 as to render the building to be in extremely precarious condition and now, it is on the verge of collapse. The learned counsel

for the petitioner also submits that the internal Structural Audit Report of respondent nos. 1 and 2 shows that such works ought not to have been carried out without taking necessary precautions as indicated therein and yet no precautions were taken while the excavation and pilling works were undertaken. The learned counsel for the petitioner submits that today, no amount of repairs is going to make 'Agrawal building' safe and secure for its inhabitation by its present occupants and some better measures would have to be taken by respondent nos. 1 and 2 in order to provide relief to the inhabitants.

3. All said and done, we find that the grievance of the petitioner can be resolved by relegating them to some alternate remedy for the time being, as specific pleadings have not been made.

4. Learned counsel for the petitioner submits that the petitioner may be granted liberty to make appropriate representation to respondent nos. 1 and 2. He also seeks directions to the respondent nos. 1 and 2 to decide the same at the earliest.

5. We are of the opinion that in a case like this, the petitioner must spell out his specific grievances and seek redressal of the same by approaching the appropriate authority in the first instance and accordingly we grant liberty to the petitioner to make a comprehensive

representation to respondent no. 1. The representation may be made within a period of two weeks from the date of the order. We direct the respondent no. 1 to decide the representation, that may be received by it, in accordance with law, at the earliest and in any case within four weeks from the date of receipt of the representation.

6. Liberty to approach this Court is granted, if aggrieved by the decision on the representation. The petitioner is disposed of accordingly.

(FIRDOSH P. POONTWALLA, J)

(SUNIL B. SHUKRE, J)