

Wadhwa

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 14302 of 2023**

Nimesh Manharlal Manek ...Petitioner
Versus
The Nashik Municipal Corporation & Anr ...Respondents

**WITH
INTERIM APPLICATION NO. 851 OF 2024**

Pushpavati Rajmal Katariya ...Applicant
In the matter between
Nimesh Manharlal Manek ...Petitioner
Versus
The Nashik Municipal Corporation & Anr ...Respondents

**Mr Alankar Kirpekar, with Somnath Kale, Susmit Phatale, i/b
SusmitSanjay Phatale, for the Petitioner.
Ms Chaitali Deshmukh, for the Respondent.**

**CORAM G.S. Patel &
Kamal Khata, JJ.
DATED: 27th February 2024**

PC:-

1. The Petition is misconceived. The Petitioner is the son of one of the original tenants of commercial premises on the ground floor of a building called Yeshwant Mandai at Raviwar Karanja, Nashik.

The case of the Petitioner is that as the heir of the tenant, he is entitled to agitate that the building is repairable. There is a Structural Assessment Report of 4th December 2023. It shows extensive damage to the structure. Ms Deshmukh points out, and quite correctly in our opinion, that the structure requires to be demolished. It is in a dangerous condition.

2. In any case, we do not see how a tenant, let alone somebody who claims to be the heir of an original tenant, can possibly obstruct this. The tenancy is in any case protected in law. Mr Kirpekar asked us to reiterate that law. We refuse. That law has been settled by the Supreme Court and it is also part of the statute. We decline to grant the Petitioner the satisfaction of obtaining repeated reiterations of settled law of several decades' standing.

3. The Writ Petition is rejected. The ad interim order of 21st November 2023 is vacated.

4. In view of disposal of the Petition, Interim Application does not survive and the same is also stands disposed of.

(Kamal Khata, J)

(G. S. Patel, J)