



Pradnya

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10353 OF 2024

Deepak s/o Baldev Khatri and anr. ...Petitioners
Versus
Municipal Corporation for the city of Ulhasnagar ...Respondents
and ors.

Mr. A. S. Rao, *for the Petitioners.*
Ms. Rupali Shinde, AGP, *for Respondent No.3-State.*
Mr. Vijay Patil, *for Respondent No.1 and 2.*

CORAM M.S. Sonak &
Kamal Khata, JJ.
DATED: 24th July 2024

PC:-

1. Not on board. Taken on board.
2. Heard learned counsel for the parties.
3. The challenge in this Petition is to the notice dated 30th May 2024 directing the Petitioners to immediately vacate the building on the ground that the same is dilapidated and poses a danger to life and property not only of the Petitioners but also others.
4. Mr. Vijay Patil, learned counsel for the Ulhasnagar Municipal Corporation (“Corporation”) submits that there are two structural

audit reports certifying that the building in question is dilapidated and requires to be demolished. He submits that even the Petitioners' architect has written to the Corporation correcting his earlier report and stating that the building requires to be demolished as the same is dilapidated. He hands over copies of these structural audit reports and architect's letter to Mr. A. S. Rao, learned counsel for the Petitioners. Based on these documents, Mr. Patil submits that this Petition may not be entertained.

5. At least the impugned notice dated 30th May 2024 does not refer to any structural audit reports or the architect's letter. The impugned notice refers to a visual inspection. In such circumstances therefore, we think that the Petitioners must have an opportunity to deal with this adverse material based on which the Corporation seeks to demolish the building in question.

6. Mr. Patil has now furnished the two structural audit reports and architect's letter to Mr. Rao who has accepted it on behalf of the Petitioners. The Petitioners, if they so choose, can file their response to this material by treating the impugned notice as a show cause notice. This response must be filed by 26th July 2024.

7. The Corporation must hear the Petitioners or their representatives on 29th July 2024 at 11:00 a.m. No separate notice will be issued to the Petitioners.

8. After hearing the Petitioners, considering the material if any placed on record by them, the Corporation is at liberty to make fresh orders in the matter.

9. The impugned notice, in so far as it requires the Petitioners to vacate the building immediately is quashed, but the same is to be treated as a show cause notice as indicated above.
10. Though, we have quashed the impugned notice, we clarify that the Petitioners continue to stay in the building at their own risk and will not in any manner hold the Corporation, the landlord or any other persons responsible for any untoward mishap.
11. The Writ Petition is disposed of in the above terms without any order for costs.
12. All concerned to act on an authenticated copy of this order.

(Kamal Khata, J)

(M.S. Sonak, J)