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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 3576 OF 2023

Vasantkumar Ganeshmal Jain & Anr

...Petitioners

Versus

The Municipal Corporation of Greater Mumbai
& Ors

...Respondents

Mr Shobit Shukla, *i/b Ashok Pande for the Petitioner.*
Ms Pooja Yadav, *for the Respondent-MCGM.*
Mr Jaydeep Deo, *for Respondent No 3.*

CORAM G.S. Patel &
Kamal Khata, JJ.
DATED: 15th March 2024

PC:-

1. There is no question of tenants approving or withholding any repair proposal submitted to the Municipal Corporation of Greater Mumbai (“MCGM”) by the owner of the property. This entire concept that tenants or even commercial tenants will decide what the owner of a property can do with that property is thoroughly misconceived in law. If in the course of repairs, certain tenanted premises are required to be temporarily vacated to facilitate those repairs, then that is certainly not a situation unknown to law. The tenancy is in no way jeopardised. The tenants’ commercial interests

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cannot override the concern regarding the structural stability and condition of the building.

2. Once the owner tells us that proposals have been made and are being processed awaiting final sanction from the Municipal Commissioner, then nothing further remains to be done. Obviously, all repairs will be carried out as per the approvals by the MCGM and under strict supervision by the MCGM. There is no question of allowing the tenants to dictate to either the MCGM or to the owner, let alone this Court when those repairs can be done, how they should be done and by whom they should be done.

3. Now we are told that there is a “history” of disputes and that there are civil litigations. If that be so, this submission is completely misconceived for we cannot at the instance of the tenants examine civil disputes.

4. The Petitioners/owners are at liberty to pursue their application with the MCGM. We accept the statement that all repairs will be carried out strictly in accordance with the permission granted by the MCGM.

5. The Petition is disposed of.

(Kamal Khata, J)

(G. S. Patel, J)