



Pradnya

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 68 OF 2024

Dilip Anand Swadi and ors. ...Petitioners
Versus
The Municipal Corporation of Greater Mumbai ...Respondents
and ors.

Mr. Shanay Shah, Mr. Rahul Soman a/w Mr. Ayaz Bilawala and Ms. Disha Mehta, i/b. Bilawala & Co., for the Petitioners.
Ms. Priyanka Sonawane, for the Respondent-BMC.
Mr. J. P. Sen, Senior Advocate, a/w Ms. Shaheda Madraswala, Mr. Sanidhya Arora, Ms. Rajni Mehta i/b. Vashi and Vashi, for Respondent Nos.6 and 7.
Ms. Sneha Vani, i/b. Mr. Akshay Naik, for Respondent No.8.

CORAM M.S. Sonak &
Kamal Khata, JJ.
DATED: 18th July 2024

PC:-

1. Heard learned counsel for the parties.
2. Mr. Shanay Shah, learned counsel for the Petitioners, states that the Petitioners' main grievance concerns the lack of emergency access to the terrace of the building. He submits that the BMC, by its notice dated 9th October 2017, had clearly directed the 8th Respondent-Society to ensure that emergency access to the terrace

of the building shall not be obstructed and kept open at all times. Mr. Shah states that this refers to the open terrace on the 15th floor of the 'B' Wing and the common open terrace on the 16th floor of the 'A' Wing of the buildings.

3. Ms Sneha Vani, learned counsel for the 8th Respondent-Society, on instructions, states that the above condition imposed by the BMC in clause (h) of its notice dated 9th October 2017 is complied with. Similarly, Mr J. P. Sen, learned Senior Advocate appearing for the 6th and 7th Respondent, who was alleged to have obstructed the access to the terrace, on instructions states that there is no obstruction, and this was duly communicated to the Society as well as the BMC. He submits that the Society and the BMC had verified and confirmed such compliance.

4. In addition to the above, Mr Sen, on instructions, states that to allay the apprehensions now expressed by the Petitioners, the 6th and 7th Respondent will, within a week from today, handover one of the keys to the terraces to the Secretary of the 8th Respondent-Society. He submits that this access is to be used as emergency access only in case of emergencies. Learned counsel for the 8th Respondent-Society states that the Secretary will accept such key and see that such key is available in the Society's office for use in terms of emergencies.

5. Based on instructions, learned counsel for the Petitioners states that the above arrangement will substantially allay the apprehensions expressed on behalf of the Petitioners.

6. Accordingly, by recording the statements made on behalf of the 6th, 7th and 8th Respondent as above, we dispose of this Petition. The 6th, 7th and 8th Respondent shall comply with the statements made on their behalf.
7. The Writ Petition is disposed of in the above terms. No costs.
8. All concerned must act on an authenticated copy of this order.

(Kamal Khata, J)

(M.S. Sonak, J)