



Darshan Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 213 OF 2024

Rashmi Shah/Thakkar and Anr.

...Petitioners

Versus

State of Maharashtra and Ors.

...Respondents

Adv Fatima Barodwalla, for the Petitioners.**Mr Abhay Patki, Addl. GP, for the Respondent-State.****Mr J M D'silva, for Respondent Nos. 9 to 22.****Ms Meena Dhuri, for the Respondent-BMC.**

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

PC:-

1. Heard learned counsel for the parties.
2. At the outset, we think that the reliefs in prayer clauses (a) to (c) are quite misconceived and should not even have been made. Be that as it may, the case is made out to grant relief in terms of prayer clause (d) because the petitioners seek directions upon the Technical Advisory Committee ("TAC") of the MCGM to look into the matter and determine the issue of structural stability of the building 'Rashmi Kunj'.

3. The records show that the petitioners have submitted the structural audit report dated 12 August 2021 from M/s B.J. Mehta Consultants LLP and respondent Nos. 9 to 16, 18, 19, 21 and 22 (tenants) have submitted a structural report from Sardar Patel College of Engineering dated 27 April 2022. Therefore, TAC will have to consider both the reports and other materials to determine the structural stability of building 'Rashmi Kunj'.

4. We direct the TAC of MCGM to undertake this exercise within a period of 3 months from today.

5. The Writ Petition is disposed of in the above terms by keeping open all other contentions of the parties, including in particular contention concerning the *inter-se* dispute between the petitioners (landlord) and tenants.

(Kamal Khata, J)

(M.S. Sonak, J)