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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1831 OF 2024

K. G. Munshi ...Petitioner
Versus
The Municipal Corporation of Greater Mumbai ...Respondents
and ors.

Mr. V. P. Sawant, Senior Advocate, a/w Mr. Nikhil Patil i/b. Mr. Prabhakar M. Jadhav for the Petitioner.

Mr. Cherag Balsara, a/w Mr. Akshay Doctor, Mr. Aman Arora, Mr. Suyash Bartake i/b. Desai and Diwanji, for Respondent No.6.

Mr. Suraj Kaushik, for Respondent No.7.

Mr. Akshay Shinde, for Respondent No.8.

Adv. R. M. Hajare, i/b. Adv. Sunil Sonawane, for the Respondent-BMC.

Officer Mr. Sandeep Gite (Sub Engg), A Ward.

**CORAM M.S. Sonak &
 Kamal Khata, JJ.**

DATED: 18th July 2024

PC:-

1. Heard learned counsel for the parties.
2. Ms. R. M. Hajare, learned counsel for BMC, places the inspection report on record in terms of our order dated 1st July 2024.

3. The inspection report states that in the pocket terrace on the second floor, it was noticed that a toilet had been constructed. However, the toilet was dysfunctional and not seen to be in use. The report also states that the pocket terrace on the second floor is covered by constructing a shade using bamboo and tarpaulin. Photographs are also placed on record.

4. The Petitioner's complaint dated 9 August 2021 and subsequent complaints allege that the toilet block on the pocket terrace was illegally constructed. The Petitioner further complained that there was leakage due to this illegal construction in the Petitioner's office.

5. Though the inspection report states that the toilet was not functional and that the premises were locked, the BMC will still have to look into the Petitioner's complaint about the construction of the toilet block on the pocket terrace being allegedly illegal and unauthorised.

6. Ms. Hajare, learned counsel for BMC, on instructions states that the Petitioner's complaint will be considered in accordance with law and disposed of within two weeks from today after show cause notice is issued to M/s. Poddar and Company. At this stage, Mr. Cherag Balsara, learned counsel for the 6th Respondent, who claims to be the owner of the building in which these premises are situated, points out that the Proprietor of M/s. Poddar and Company has expired.

7. The Petitioner has impleaded Ms. Shivangi Bansal as the 5th Respondent in this Petition. Mr. V. P. Sawant, learned Senior

Advocate, submits that she is the present occupant of the premises. Accordingly, the BMC will have to issue notice to the occupant and decide the Petitioner's complaint.

8. As stated by Ms. Hajare, the BMC must decide the complaint within two weeks in accordance with the law and by complying with the principles of natural justice. The reasoned decision must be communicated to all the parties.

9. If such a decision aggrieves any of the parties, they shall be at liberty to challenge the same under the law.

10. With the above direction, we dispose of this Writ Petition.

(Kamal Khata, J)

(M.S. Sonak, J)