
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2420 OF 2024

Dinesh Khimji Sampat & Ors.

..Petitioners

Versus

Brihanmumbai Mahanagarpalika & Ors.

.. Respondents

Ms Kavita Shah, Advocate for the Petitioners.

Ms Shweta Patankar, Advocate for Respondent Nos.1 to 3-MCGM.

Mr. Darius B. Shroff, Senior Counsel a/w. Mr. Mayur Agarwal & Mr. Rahul P. Jain, Advocates for Respondent Nos.4 to 9.

**CORAM: B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**

DATE : DECEMBER 10, 2024

P. C.

1. The above Writ Petition is filed seeking an order against Respondent Nos.1 to 3 to permit the Petitioners to take steps pursuant to the Notice dated 18th November, 2023 issued under Section 354 of the Mumbai Municipal Corporation Act, 1888 and demolish the building known as Jamnadas Umershi Building situated at CTS No.4668 to 4684, M.G.Road, Rajawadi, Ghatkopar (East), Mumbai - 400 077 at the cost of the Petitioners.

2. The Learned Advocate appearing on behalf of the Petitioners states that during the pendency of the above Petition, the said building has already been demolished. Therefore, nothing survives in the above Writ Petition. She, therefore, sought leave to withdraw the same.

3. Mr. Darius Shroff, the Learned Senior Advocate appearing on behalf of Respondent Nos.4 to 9, submitted that the respondents cannot have any objection to the withdrawal of the above Writ Petition, but it be clarified that this withdrawal will not in any way affect the rights that Respondent Nos.4 to 9 claim in the building which was demolished as well as the land on which the building was situated. Another grievance made by Mr. Shroff is that the building has not been demolished by the Mumbai Municipal Corporation authorities but by the Petitioners themselves which they were restrained from doing under the Order dated 9th May, 2024. At this stage, we do not opine on this aspect. If for any reason Respondent Nos.4 to 9 are of the opinion that the Order dated 9th May, 2024 is violated, they are free to take out appropriate proceedings against the Petitioners notwithstanding the withdrawal of this Petition.

4. Considering these circumstances and in light of the statement made by the Learned Advocate appearing on behalf of the Petitioners, the above Writ Petition is dismissed as withdrawn.

5. We make it clear that we have not given any opinion on the merits of the matter and all rights of Respondent Nos.4 to 9 as also that of the Petitioners are expressly kept open to be agitated in appropriate proceedings.

6. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B. P. COLABAWALLA, J.]