

Ashwini

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 18748 OF 2024
WITH
INTERIM APPLICATION (L) NO. 22971 OF 2024
IN
WRIT PETITION (L) NO. 18748 OF 2024

Mahendra Dharamsey Paleja & Ors ...Petitioners
Versus
Municipal Corporation of Greater Mumbai & Ors ...Respondents

WITH
WRIT PETITION NO. 3295 OF 2023
WITH
INTERIM APPLICATION (L) NO. 22963 OF 2024
IN
WRIT PETITION NO. 3295 OF 2023

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Mahendra Dharamsey Palicha L/h of ...Petitioners
Gunvantiben Dharamshi & Ors
Versus
The Municipal Corporation of Greater Mumbai ...Respondents
& Ors

Mr Girish Godbole, Senior Advocate, with S Patne & Niharika
Chandurkar, for the Petitioners in WPL/18748/2024.
Mr SQ Qureshi, with Girish Godbole, Senior Advocate, for the

Petitioners in WP/3295/2023.

Ms Arti Dharamsey, *for the Applicant in IAL/22971/2024 & IAL/22963/2024.*

Mr Bhupesh Dhumatkar, *with Aditi Bhargava, i/b Divya Shah Associates, for Respondents Nos. 8 & 9.*

Mr Karl Tamboly, *with Sonal Awasthi & Ronish Mehta, i/b Vinod Mistry & Co, for Respondents Nos. 5 to 7.*

Ms Priyanka Sonawane, *i/b SK Sonawane, for the Respondent-BMC.*

Mr Ashok Adate, *Designated Officer, K/W Ward, present.*

Mr Pankaj Bansod, *Assistant Engineer, K/W Ward, present.*

**CORAM M.S. Sonak &
 Kamal Khata, JJ.
DATED: 23rd July 2024**

PC:-

1. Heard learned Counsel for the parties.
2. The learned Counsel for the Respondent BMC, on instructions of the officials who are present in Court today, states that the Technical Advisory Committee ("TAC") report dated 6th June 2024 (Exhibit 'CC' at pages 474 to 481 of the paper book) and the demolition notices dated 11th June 2024 (Exhibits 'EE' and 'FF' at page 490 to 492 of the paper book) will stand withdrawn. This statement is accepted and it is declared that the report and the notices stand withdrawn.
3. The learned Counsel for the BMC states that the TAC will now hear the Petitioners and Respondents Nos. 5 to 14 and beside the matter afresh in accordance with law.

4. *By accepting the above statements and directing the BMC/TAC to act accordingly, we dispose of these Petitions with a direction to BMC/TAC to hear all concerned parties and their consultants afresh and re-hear and pass fresh order within 15 days from today, i.e., or before 6th August 2024.*

5. *The alternate reliefs claimed in these Petitions are not adjudicated upon and therefore, all contentions of all parties regarding such alternate reliefs are kept open.*

6. The Petitioners and other occupants of the building should occupy the building at their own risk and not hold either the BMC or owners or any other parties responsible for any untoward mishap.

7. The Petition is disposed of. There shall be no order for costs.

8. The Interim Application (L) No. 22971 of 2024 and Interim Application (L) No. 22963 of 2024 do not survive the disposal of the Writ Petition and accordingly even they are disposed of.

(Kamal Khata, J)

(M.S. Sonak, J)

**Note: This order is modified as per order dated 31st July 2024.
The corrections are shown in bold and italics.**