

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8026 OF 2025

Mr. Mohsin Abdul Hamid Murid & Ors. ...Petitioners
Vs.
State of Maharashtra & Anr. ...Respondents

Mr. Aslam Malik i/b. Mr. J. G. Aradwad Reddy for the Petitioners.
Ms. Savita Prabhune, AGP for State/Respondent No.1.
Mr. N. R. Bubna for Respondent No.2.

CORAM: G. S. KULKARNI &
 ARIF S. DOCTOR, JJ.
DATE: 23 JUNE 2025.

P.C.

1. This petition under Article 226 of the Constitution of India, 1950 is filed challenging a notice dated 04 June 2025 issued by respondent no.2-Bhiwandi Nizampur Municipal Corporation, whereby the structure in question was stated to be dilapidated and accordingly, the building was directed to be vacated.

2. The case of the petitioners is that the said building in fact requires repairs and an application for grant of repairs of the building was pending consideration of respondent no.2-Bhiwandi Nizampur Municipal Corporation.

3. On 20 June 2025, we had heard learned counsel for the parties when, while adjourning the proceedings, in our order of the even date, we observed that it was expected that the Municipal Officer would grant repair permission to the petitioners, considering the serious facts of the case. We ordered that in the meantime, no further action of any demolition be undertaken.

4. Mr. Bubna, learned counsel for respondent no.2 has placed on record a permission dated 21 June 2025, issued under the relevant statutory provisions in favour of the petitioners being an approval of the Municipal Corporation to undertake repairs on terms and conditions, as incorporated in the said order. The said order is taken on record and marked “X” for identification.

5. We are informed by Mr. Malik, learned counsel for the petitioner that the building is already vacated and work of repairs would be undertaken in pursuance of the Government Gazette dated 21 June 2025 issued by the Assistant Commissioner, Division Committee No.5.

6. In this view of the matter, permitting the petitioners to undertake the repairs as per the specific terms and conditions as set out in the Gazette, we are not required to carry forward adjudication of this petition. It is accordingly disposed of keeping open all contentions of the parties on the repair permission as issued and the further actions which would be required to be taken by the petitioners in that regard strictly in accordance with law and to the satisfaction of the Municipal Corporation.

7. Needless to observe that all safeguards in undertaking the repairs be undertaken and the municipal authorities shall supervise the repair work, so that there is no danger to any person or adjoining property.

8. The petition is accordingly disposed of in the aforesaid terms. No costs.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)