

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.15805 OF 2025

Haider Fidahussain KapadiaPetitioner

Versus

Vasai Virar Municipal Corporation & Ors.Respondents

Mr. Prashant Yadav a/w. Mr. Niraj Tripathi for the Petitioner.

Mr. Ashwin R. Kapadnis for Respondent Nos.1 and 2.

Mr. Haider Fidahussain Kapadia, Petitioner present in person.

Ms. Ashwini More, Assistant Commissioner, Ward 'E', Vasai Virar Municipal Corporation present.

CORAM : RAVINDRA V. GHUGE

&

ASHWIN D. BHOBE, JJ.

DATE : 27th NOVEMBER, 2025

P.C. :-

1. This matter was heard for quite some time on 24th November, 2025 and 26th November, 2025. The learned Advocate for the Corporation has tendered a compilation of documents (34 pages), which is taken on record and marked as '**X-1**' for identification. According to the Corporation, the Writ building identified as "Fida Manzil / Kapadia House" is in such a dilapidated condition, that it may collapse at any moment.

2. The learned Advocate for the Petitioner submits, on instructions from the Petitioner present in the Court hall, that the building is not in such a bad shape and would not collapse immediately. The learned Advocate for the Corporation hastens to state that this building is almost 46 years old. The Petitioner's brother's building, which was an adjacent building, was also of the same age. That building has already been demolished since it was in a similar dilapidated condition. The Petitioner is becoming obstinate and is refusing to vacate. He further submits that the building of his brother was in a different condition and the Authorities found it appropriate to demolish it. The Petitioner's building is in a fairly good condition.

3. We are aware that if such a building unfortunately collapses, it would cause damage to life and property. There are shops in the vicinity of this building, which is a G + 2 structure. We, therefore, called upon the Petitioner yesterday as to whether he would own the responsibility if there is a loss of life or property. If there is loss of life, the Petitioner would be charged of culpable homicide. The Petitioner has instructed the learned Advocate to say that an affidavit will be filed and the Petitioner would shoulder the

entire responsibility and would indemnify, not only the Corporation and the Government but, any person who may suffer loss of life or property.

4. The Petitioner has filed an affidavit undertaking to the above effect, dated 27th November, 2025 (3 pages). The original affidavit, tendered to the Court, is taken on record and marked as '**X-2**' for identification.

5. The learned Advocate for the Corporation submits that since there are two contradictory reports categorizing the building as 'C-1' (urgent need for demolition) and 'C-2B' (structural repairs without eviction), the Corporation would refer this building to the Technical Advisory Committee (TAC). The learned Advocate for the Petitioner submits that if the TAC submits a report categorizing the building as 'C-1', the occupants of the building would vacate the building within 10 days and it can be demolished.

6. Considering the above and the specific affidavit X-2 by which the Petitioner and the occupants would be held responsible for any event of whatsoever nature, we direct the TAC to ensure that

the structural audit report is tendered on 5th January, 2026 at 12 noon. The said report would be served upon the Petitioner, within 24 hours, physically or by WhatsApp on the following WhatsApp numbers of the Petitioner, which are tendered to the Court through the learned Advocate for the Petitioner :

WhatsApp Nos. - 9892242114 and 9763878432

7. With the above directions, **this Petition is disposed off.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)