



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 3838 OF 2024

Milan Shopping Centre Vypari Welfare Association ... Petitioner
Vs.
Brihan Mumbai Municipal Corporation & Ors. ... Respondents

Mr. Amogh Singh i/b. Mr. Jeet Gandhi for the petitioner.
Ms. S.V. Tondwalkar i/b. Ms. Komal Punjabi for respondent nos. 2 and 3-BMC.
Mr. Govind S. Rajpurohit a/w. Mr. Rohit P. Jain for respondent nos. 5 and 6.
Mr. Gauraj Shah a/w. Mr. Pranav Chavan i/b. Mahesh Menon & Co. for
respondent nos. 20 and 26.
Mr. Vishal Mhaikar, Designated officer, Mr. Abhijit Bhalera, Asst. Engg. Mr.
Sanket Sakhalkar, Jr. Engg. B & F, 'N' Ward present.

CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.
DATED: 4 AUGUST, 2025

P.C.

1. Not on board. Upon mentioning, taken on board.
2. Mr. Shah, learned counsel for respondent nos. 20 and 26, on instructions, submits that his clients are vacant and/or not presently in occupation of two flats, hence they are ready and willing to handover the said flats to the petitioner-association for undertaking structural repairs, so as to make the entire structure safe and habitable and this shall be at the petitioner's cost. We accept the statement. This would be without prejudice to the contentions as urged by Mr. Shah that the entire building is in C1 category and deserves to be pulled down, which is disputed by Ms. Tondwalkar, learned counsel for Municipal Corporation and Mr. Singh, learned counsel for the petitioner. Let the vacant premises be handed over by respondent nos. 20 and 26 to the petitioner within one week from today.

3. We, accordingly, direct the Corporation that, after the repairs of the flats of respondent nos. 20 and 26 are carried out, it shall reassess the structural condition of the building and accordingly categorize the building. All contentions of the parties in that regard are expressly kept open.

4. Needless to observe that the occupants of the building shall continue to occupy the building at their own risk and consequences and shall not hold any State Authorities liable in the event of untoward collapse of the building, till further certification is issued by the Municipal Corporation.

5. We are not inclined to delve on any other contentions at this stage of the proceedings. All contentions of the parties are expressly kept open.

6. It is further clarified that after the structural repairs to be undertaken by the petitioner are complete, the petitioner shall make an appropriate proposal along with the certification of their Structural Engineer to the appropriate department of the Municipal Corporation. The Municipal Corporation undertake an inspection and after having verified all the structural issues which existed, issue an appropriate certification within a period of one month from the date of filing of the proposal by the petitioner.

7. Further adjudication of the petition in these circumstances is not called for. Writ Petition is accordingly disposed of. No costs.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI , J.)