



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

WRIT PETITION NO. 2018 OF 2025
WITH
INTERIM APPLICATION (L) NO. 17260 OF 2025
WITH
INTERIM APPLICATION (L) NO. 17279 OF 2025

Maria Robert Furtado & Anr. ... Petitioners

Vs.

Municipal Corporation of Greater Mumbai & Ors. ... Respondents

Mr. Rajesh A. Revankar i/b. Mr. A.G. Revankar & Co. for the petitioner.

Ms. K.H. Mastakar i/b. Ms. Smita Tondwalkar & Ms. Komal Punjabi for
respondent nos. 1 and 2-BMC.

Mr. Sanjay Sinha, Mr. Siddhant Sinha for respondent nos. 3 and 4.

CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.

DATED: 29 JULY, 2025

P.C.

1. This petition under Article 226 of the Constitution of India is filed by the
petitioners praying for the following substantive reliefs:

A) That this Hon'ble Court be pleased to issue Writ of Mandamus or any other appropriate Writ, order, direction of like nature and be pleased to set aside and quash the impugned Notice dated 19.4.2025 bearing No. AC/MW/OD/59 being Exhibit 'N' and Notice dated 21.05.2025 bearing No.ACM/W/OD/213 being Exhibit 'T' hereto.

B) That this Hon'ble Court be pleased to issue Writ of Mandamus or any other appropriate Writ, order, direction of like nature and be pleased to direct respondent nos. 1 and 2 to obtain independent Structural Audit Report from the Technical Advisory Committee as per the guideline issued by Hon'ble Bombay High Court in Writ Petition No. 1080 of 2015in Municipality of Greater Mumbai vs. State of Maharashtra and take necessary steps in that regard.

C) That this Hon'ble Court be pleased to direct respondent nos. 3 & 4 to provide alternate accommodation to the petitioners in the event Pradeep Building being the subject matter of the petition is required to be demolished and execute Permanent Alternate Accommodation in

favour of the petitioners as per the guidelines issued by Hon'ble Bombay High Court in Writ Petition No. 1080 of 2015 in Municipality of Greater Mumbai vs. State of Maharashtra.

2. The proceedings were heard by this Bench on 16 June 2025 and the following order was passed:

“1. Learned Counsel for the respondent nos.3 and 4 states that endeavour can be made to settle the dispute. Accordingly, list the proceedings on 23rd June 2025, High On Board.

2. In the meantime, as a building is stated to be dilapidated in the C-1 category, the petitioner shall occupy their premises at her own risk and consequences and in the event of any untoward incidence of a collapse, the petitioner shall not hold any of the respondents or any other authorities responsible of any criminal or civil liability, as also the petitioner shall also be responsible and liable to any third parties.

3. Mr. Bharucha states that for a period of one week no demolition action will be undertaken.”

3. Thereafter the said order was continued by a further order dated 23 June 2025 wherein we have recorded that the parties are intending to settle the disputes. In pursuance thereto, today the learned counsel for the petitioners and for respondent nos. 3 and 4 tender consent terms dated 29 July 2025 across the bar to submit that the disputes between the parties stand resolved in terms of the consent terms as entered between them. The consent terms are taken on record and marked as “X” for identification.

4. We have perused the consent terms, which resolve the disputes between the parties in the manner as set out in the consent terms. The parties have agreed that the undertaking which are furnished in the consent terms be accepted by the Court. Accordingly, the undertakings stands accepted. The consent terms are signed by the petitioner nos. 1 and 2 and their Advocate as also on behalf of

respondent nos. 3 and 4 by its Director and their Advocate. There is no dispute on the signatures as made in the consent terms. The consent terms accordingly stand accepted.

5. Needless to observe that after the premises are vacated and the petitioners are housed in the permanent alternate accommodation/alternate premises as agreed in the consent terms, respondent nos. 3 and 4 and/or the Municipal Corporation can take appropriate steps to demolish the property. Intimation of the parties vacating the property be immediately issued to the concerned designated official of the Municipal Corporation.

6. Needless to observe that the directions as contained in paragraph 2 of our order dated 16 June 2025 shall continue to operate till the tenements are vacated.

7. The petition is disposed of in terms of the consent terms and our aforesaid orders. No costs.

8. In view of disposal of Writ Petition, Interim Applications do not survive and the same are disposed of accordingly.

9. Parties to act on the authenticated copy of the order.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI , J.)