



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

WRIT PETITION NO. 2365 OF 2025

Padma Venkataramanan & Ors.

... Petitioners

Vs.

The Municipal Corporation of Greater Mumbai & Ors.

... Respondents

Mr. Mayur Khandeparkar a/w. Mr. Rishir Daulat, Ms. Sakshi Kapadia, Mx. Ketki Pansare i/b. TRD Associates for the petitioners.

Ms. S.V. Tondwalkar i/b. Ms. Komal Punjabi for respondent-BMC.

Ms. Gauri Sawant, AGP for the State.

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

DATED: 7 JULY, 2025

P.C.

1. We are informed by Mr. Khandeparkar, learned counsel for the petitioners that respondent no. 7 is the landlord of building no. 4 and the said building has been declared to be dilapidated by the Municipal Corporation, to which already a notice under Section 354 of the Mumbai Municipal Corporation Act, 1988 has been issued. The grievance of the petitioners is that already building no. 1 in the same layout was demolished in the year 2024 and the debris of demolition is still lying and has not been disposed of, which is causing nuisance and inconvenience to the petitioners, who are residents of the adjoining building. We are informed that building no. 4 would now face demolition and there is likelihood that the same situation which has happened to building no. 1, will take place for building no. 4 inasmuch as the debris would continue to lie at the same place and would not be lifted for a long period. It is submitted by Mr. Khandeparkar that there is a

scientific method by which debris would be removed and utilized or salvaged. Learned counsel for Municipal Corporation has no instructions.

2. As the issue is quite vital which would affect several such demolitions and removal of debris, we need to know from the Municipal Corporation as to what is the policy being followed in this regard and how the same would be implemented so that the debris can be removed without causing nuisance and/or any prejudice to the rights of the adjoining owners.

3. Such standard which are being implemented by the Municipal Corporation are stated to be prescribed under the Indian Standard 'Demolition of Buildings - Code of Safety (Second Revision)', which is annexed at Page 375 of the Writ Petition.

4. Respondent no. 7 as the landlord would also be required to make its plan clear before the Court, as ultimately the building to be demolished belongs to respondent no. 7 and for which respondent no. 7 would be responsible for everything including removal of debris.

5. Despite service, in regard to which an affidavit of service is placed on record on behalf of the petitioners, respondent no. 7 is not represented. Hence, we direct that a fresh notice be issued to respondent no. 7, returnable on 21 July, 2025. Hamdast permitted. Let the service be effected through the Officer-in-charge of the local police station. Office to do the needful.

6. We clarify that in the event, despite service respondent no. 7 is not represented on the adjourned date of hearing, we shall proceed to pass further

appropriate orders. Let the Municipal Corporation also place its stand on record as to what is the procedure and why the debris of earlier demolition of building no. 1 was not removed and it would be the entire responsibility of the respondent to remove the debris in a scientific manner. Let such affidavit be placed on record within 10 days from today along with the policy which the Corporation would intend to follow in similar manner.

7. Liberty to the Corporation as also the petitioner to apply before the scheduled demolition of building no. 4 is executed.

8. We clarify that all precautionary steps be taken so that the access, safety, convenience of the adjoining building is not in any manner affected and no nuisance is caused.

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

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI , J.)