



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. Yash Momaya a/w. Mr. Rishir Daulat, Ms. Sakshi Kapadia, Ms. Namrata Patkar i/b. TRD Associates for the petitioners.

Mr. Akshay Shinde a/w. Ms. Smita Tondwalkar i/b. Ms. Komal Punjabi for respondent-BMC.

Ms. Poonam Mittal, AGP for the State.

Mr. Vishrant N. Tendulkar for respondent no. 7.

CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.
DATED: 21 JULY, 2025

P.C.

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

"a) That this petition be heard and finally decided at the stage of admission.

b) That this Hon'ble Court be pleased to issue a Writ of Mandamus or a Writ in the nature of Mandamus or any other appropriate Writ, order or direction directing respondent nos. 1 to 6 to ensure that adequate safety measures are taken in the demolition of Building no. 4 at the Property.

c) That this Hon'ble Court be pleased to issue a Writ of Mandamus or a Writ in the nature of Mandamus or any other appropriate Writ, order or direction directing respondent nos. 1 to 6 to ensure that in the demolition of Building no. 4, the petitioners' access to the property is not impeded.

d) That this Hon'ble Court be pleased to issue a Writ of Mandamus or a Writ in the nature of Mandamus or any other appropriate Writ, order or direction directing respondent nos. 1 to 6 to ensure that the petitioners have vehicular access to the property from R.C. Marg and 17th Road;

e) That this Hon'ble Court be pleased to issue a Writ of Mandamus or a Writ in the nature of Mandamus or any other appropriate Writ, order or direction directing respondent nos. 1 to 6 to take all necessary steps to ensure

that the property is kept in a hygienic and sanitary condition, including by removing or ordering the removal of all debris, construction material and unnecessary barricading thereat;

f) That in the event Building no. 4 is being demolished, respondent no. 7 be ordered and directed to provide temporary alternate accommodation at its (i.e., Respondent no. 7's) cost and expense to the petitioners in the vicinity of Krishna Baug."

2. On 7 July 2025 we had, after hearing the learned counsel for the parties at length and considering the grievance of the petitioners which was in respect of non-removal of debris of a building earlier demolished by respondent no. 7 (developer), passed a detailed order.

3. Today, we are informed by Mr. Shinde, learned counsel for MCGM that the debris in respect of demolished building have been removed. This is confirmed by learned counsel for the petitioners. Mr. Tendulkar, learned counsel appearing on behalf of respondent no. 7 (developer) submits that respondent no. 7 would be undertaking further demolition for which barricades have been put up, so as to ensure safety of all concerned when the demolition would be undertaken.

4. In view of the fact that the demolition is not of a high-rise building and is of a structure of ground plus four storeyed, the same would not be carried out by using explosives and would be done in such manner that would not imperil and hamper the lives of the residents, who live in the building surrounding the building in question.

5. The learned counsel for the petitioners, however, makes a grievance to the

fact that no plan in respect of the proposed demolition or the manner in which the same is going to be undertaken has been furnished to the petitioners. Hence, let respondent no. 7 inform the petitioners' advocate of the details pertaining to how and when the proposed demolition is to be carried out. Additionally, the same shall also contain necessary details of the safety measures that respondent no. 7 will take while demolition is being carried out and the manner in which the debris would be removed after demolition is complete.

6. We make it clear that the demolition when carried out should not cause any danger obstruction or nuisance to the petitioners.

7. In view of the aforesaid observations and our previous order, keeping open all contentions of the parties, we dispose of the petition.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI , J.)