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

WRIT PETITION NO. 2995 OF 2025

Gitesh Haresh Dawankar

...Petitioner

Versus

Municipal Corporation of Greater Mumbai

...Respondent

Ms. Anjali Helekar a/w Ms. Anu Kaladharan, Advocate for the
Petitioner.

Ms. Meena Dhuri i/by Adv. K. Punjabi, Advocate for the
Respondent/BMC.

Mr. Gitesh Haresh Dawankar, Petitioner present.

CORAM : RAVINDRA V. GHUGE

&

ASHWIN D. BHOBE, JJ.

DATE : 8th SEPTEMBER, 2025

P.C. :-

1. We have heard the learned Advocates for the Petitioner and for the Respondent/Corporation. With their assistant, we have gone through the voluminous record placed before us, especially, the structural audit report of Gitesh Haresh Dawankar Chawl (Vishnu Niwas), T.P.S. III, F.P. No.664, R.M. Bhattad Road, Boriwali (West), Mumbai - 400092. We have also gone through the notice dated 19th December, 2023, issued by the Municipal Corporation to the Petitioner.

2. It appears that a Ground+One Floor Chawl housing around 36 tenants, is in a dilapidated condition. The structural audit report submitted by Space Design and Development, a private auditor, which carried out the structural audit of the Chawl, indicates that the structure falls in in the 'C1' category, which means it has become a dangerous building. The Association of tenants approached another private auditor, who declared that the structure was under 'C2-A' category meaning, 'major repairs with evacuation'. Therefore, the Corporation constituted a Technical Advisory Committee (Tantrik Sallagar Samiti), which requested for the services of VJTI Mumbai. This institute submitted its report dated 23rd September, 2024, declaring that the Chawl is in a dilapidated condition and is a dangerous structure. We are informed that around 15 tenants have vacated the building and 19 tenant have approached the City Civil Court and Additional Sessions Judge, Court Room No.8, Dindoshi, Mumbai in Regular Civil Suit No.2918 of 2023. The interim relief application (Exhibit-5) is still pending.

3. The communication dated 19th December, 2023, addressed to the present Petitioner by the Municipal Corporation

makes a special mention of Shri. Gopal Shetty, who is said to a Member of the Parliament ('MP') from the Boriwali (North) Constituency, who started an agitation against the evacuation of the tenants and the disconnection of the electricity and water supply. The said MP (now a former MP) is said to have created pressure and the Corporation restored the electricity and the water connection. Nevertheless, in the same communication, the Corporation has the audacity to write to the owner of the premises that if there is any untoward incident and loss of life, he would be held responsible. We are intrigued. If the owner of the Chawl desires to reconstruct the Chawl since it is a dangerous structure and if on account of the pressure of an MP, the tenants are permitted to stay in the structure by the Corporation, the responsibility for any accident would rest on the concerned MP and the Corporation. It is in this backdrop that the owner has approached this Court with the Petition.

4. As a civil suit is pending since last two years and the present Petitioner as well as the Corporation are the defendants, it is necessary to direct the learned Additional Sessions Judge to hear the Interim Application at the earliest. We expect the Corporation to be diligent and address the Trial Court setting forth all the facts and as

to whether there is any threat of the building collapsing. We record that in the peculiar facts and circumstances, wherein the Petitioner owner of the Chawl himself desires that it should be vacated urgently and demolished order to be reconstructed, he would not be held responsible for any untoward incident/accident unless it is proved otherwise.

5. We are informed that the next date of hearing on the Interim Application before the Trial Court is posted on 19th November, 2025. We permit the Petitioner as well as the Corporation, to move their applications before the learned Civil Court within a period of seven days from today, requesting for preponement of the hearing on the Interim Application. Let such hearing on the Interim Application be arranged by preponing the matter, between 25th September, 2025 to 30th September, 2025. Thereafter, the Trial Court would pass an order on the Interim Application on its merits, on or before 10th October, 2025.

6. With the above observations, this **Writ Petition is disposed off.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)