



Sonam

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 41 OF 2026**

Kapil madhukar Betgiri,
S/o Late Madhukar Betgiri,
Aged 43 years, Indian National,
R/o Flat No. 102, 1st Floor,
Kuber's Narayani Building,
Near Ravindra Bhavan,
Baina, Vasco-Da-Gama, Goa.

... Petitioner***Versus***

1. Secretary for Urban Development,
Government of Goa, Secretariat,
Penha de France, Porvorim, Goa
403521.
2. Chief Officer,
Mormugao Municipal Council,
Vasco-Da-Gama, Goa-403802.
3. Damodar Tanavade ,
Aged 53, married, business,
S/o Prabhakar Tanavade,
R/o H. No. G1,
Mascarenhas Apartments,
Ground Floor, Vasco-Da-Gama, Goa.
4. Arnaldo Basiliado Rego,
Aged 59, married, business,

...Respondents

S/o Francisco Antonio Do Rego,
R/o H. No. 142, Rego House,
Non Mon Dempo Bhatt, Goa.

5. Sandip Shetye,
C/o Mahadev Vasudev Shetye,
R/o H. No. 9/82,
Near Bramhastal Temple,
Partrong Baina, Vasco,
South Goa, Gao-403802.
6. Maria Augusta D'souza,
W/o Lino D'Souza,
Aged 75, H. No. 89,
State Bank of India, Pixem,
Dongori, Vasco-Da-Gama,
Through its POA Holder,
Lynette D'Souza,
Aged 42, D/o Lino D'Souza,
R/o H. No. 89, State Bank of India,
Pixem Dongori Vasco-Da-Gama.
7. Ashok Mahadev Shetye,
S/o Mahadev Shetye,
Aged 67,
R/o Anand Square Building,
FF4, Near Sanjeevani Baina,
Vasco-Da-Gama, Goa.
8. Deelip S. Lotlikar,
Aged 77, business,
S/o Suryakant Lotlikar,

R/o Flat No. 2GH,
2nd Floor, Queeny Elite
Swatantra path, Vasco-Da-Gama.

9. Bharat Kavlekar,
Aged 73, married,
Harish Chandra Kavlekar,
R/o Flat No. 501, Divakar Residency,
Patrong, Baina, Vasco-Da-Gama,
Thr. POA Holder, Omkar Kavlekar,
Aged 30, business,
S.o Bharat Kavelekar,
R/o Flat No. 501, Divakar Residency,
Patrong, Baina, Vasco-Da-Gama.

10. Mrs. Vandana Pandurang Kakodkar,
W/o Pandurang Kakodkar,
Aged 74,
R/o H. No. 245,
Through its P.O.A., holder,
Arti Pandurang Kakodkar,
Aged 58,
D/o Pandurang Kakodkar,
R/o Bellabaim, H. No. 246,
Vasco-Da-Gama.

11. Mr. Karnati Ugandharro,
S/o Karnati Chinna Kotaiah,
Aged 70, r/o G-1, Balsu Residency,
Near Sapna Vihar, Vaddem Lake,
Vasco, Goa.

12. Mr. Rajesh Redkar,
S/o Jaidev Redkar,
R/o H. No. 569, Vasco-Da-Gama,
Having Shop No. 09
in the Shridhar Bldg.,
Vasco-Da-Gama, Goa.

13. Mrs. Filomena Fernandes ED'Costa,
W/o late Jose Felipe D'Costa,
Age 84 years,
R/o H. No. 102/A,
Cupem Nuvem, South Goa
Having Shop No.08 in the
Shridhar Bldg,
Vasco da Gama Goa.

14. Mr. Fayaz Mohammed,
S/o Salia Mohamad,
R/o H.No.171, Lucky Manzil, Baina,
Having Shop No.12 in the
Shridhar Building,
Vasco Da Gama.

Mr. S. S. Kantik, Senior Advocate with Mr. Pravin Faldessai, Ms. Neha Kholkar, Saicha Dessai, Gaurang Kerkar, Parajli Tari and Swizel Falcao, Advocates for the Petitioners.

Mr. Deep Shirodkar, Additional Government Advocate for Respondent No. 1.

Mr. Ravi Anand, Advocate for Respondent No. 2.

Mr. Shivan Dessai with Ms. Riya Amonkar advocate for Respondent Nos. 3 to 9.

Mr. Suresh Babu with Ms. Seeja K. S., Advocates for Respondent Nos. 10 and 11.

Mr. Siddharth Naik with Mr. Mahadev Harmalkar, Advocates for Respondent Nos. 12 to 14.

CORAM : VALMIKI MENEZES, J.

DATED : 23RD JANUARY, 2026.

JUDGMENT:

1. Registry to waive office objections and register the matter.
2. Heard learned Advocates for the parties.
3. Rule. Rule is made returnable forthwith; at the request of and with the consent of learned Advocates for the parties, the matter is finally heard and disposed of. Learned Advocate Mr. Pravin Faldessai waives service on behalf of the Petitioners, learned Additional Government Advocate Mr. Deep Shirodkar waives service on behalf of Respondent No. 1, learned Advocate Mr. Ravi Anand waives service on behalf of Respondent No. 2, learned Advocate Ms. Riya Amonkar waives service on behalf of Respondent Nos. 3 to 9, learned Advocate Ms. Seeja K. S. waives service for Respondent Nos.

10 and 11, learned Advocate Mr. Mahadev Harmalkar, waives service on behalf of Respondent Nos. 12 to 14.

4. The present petition filed under Article 227 of the Constitution of India lays challenge to 12 common orders passed by the Secretary, Urban Development, Government of Goa (Respondent No.1) all dated 23.04.2025, passed in Revision Applications bearing Nos. SEC/UD/208/2024, SEC/UD/209/2024, SEC/UD/210/2024, SEC/UD/211/2024, SEC/UD/212/2024, SEC/UD/213/2024, SEC/UD/214/2024, SEC/UD/215/2024, SEC/UD/218/2024, SEC/UD/221/2024, SEC/UD/222/2024, SEC/UD/223/2024, filed by Respondent Nos. 3 to 14; by the impugned orders which are all stereo type in nature, the Respondent No. 1 has set aside an order dated 18.01.2024, passed by the Chief Officer, Mormugao Municipal Council (Respondent No. 2), directing demolition/removal of a building held to be in a ruinous condition. The Chief Officer has exercised powers under Section 190 of the Goa Municipalities Act, 1968 (the Act).

5. The following facts are relevant for the decision of this Petition:

a. The building which is subject matter of this Petition, is a ground plus one storey structure, situated

in the heart of the city of Vasco Da Gama; the building is known as Shridhar Building and consists of more than 20 commercial establishments, namely shops running therein. Most of these shops, are rented to some of the Respondents, as claimed by them since decades; some of the tenants claim that the shops have been rented to them since the construction of the building, which was somewhere in 1973.

b. The erstwhile owner of the building, M/s Anand Bose, filed an application dated 29.04.2016 and a second application dated 11.09.2017, invoking powers conferred under Section 190 of the Act, claiming the building to be in a ruinous state and likely to collapse. Along with this application, the owner filed a report dated 06.10.2017 (first report) prepared by the Goa College of Engineering, which, conducting various tests which included the Ultra Sonic Pulse Velocity Test, Compressive Strength of Core Cut Test and Rebound Hammer Test, which opined that the building was in ruinous state and advised it be immediately vacated, to prevent any untoward event of collapse or loss of human life.

Notice was issued by the Chief Officer on 17.01.2018 to all the occupants of the building and ultimately an order dated 16.05.2019 (first order) came to be passed by the Chief officer, exercising powers under Section 190, directing demolition of the said building. The order of demolition dated 16.05.2019 which reflects the notice of demolition under Section 190, dated 17.01.2018, was pasted on the building. These orders were not challenged at the relevant time.

c. It is the Petitioner's case that in January, 2020, one wall of the building collapsed and thereafter on 09.06.2022 portion of the parapet of this building also collapsed. On the MMC carrying out its annual pre-monsoon inspection of buildings in the city of Vasco Da Gama, its Technical Section prepared a report dated 06.06.2023, and recorded its opinion that it was in a ruinous condition and it should be completely evacuated before the onset of the monsoon to avoid any risk to the life of the occupants and citizens.

d. A second order of demolition was passed by the Chief Officer on 07.06.2023. This notice of demolition was also served on 17 occupiers of shops

on the ground floor and 5 occupiers of rooms on the first floor, besides the earlier owner of the building and subsequent purchaser, the present Petitioner, who had purchased the building vide Sale Deed dated 16.10.2017. On receipt of the second notice/order of demolition, the occupants placed before the Chief Officer a Report dated 27.06.2023 of an engineering consultant, Home Concepts, which opined that the building carries far lighter load, since the original building was planned as a multi storied building. This report recommends that measures can be taken to extend the life of the building by 20 more years by fully repairing and restoring the same.

e. In the meanwhile, yet another report dated 14.08.2023 by a consultant Prof. M. G. Gadgil, came to be filed before the Chief Officer, opining that the building is in fully depleted state, ruinous condition and imminent danger. He further opined that the building is in danger of collapsing in parts at any moment, which shall cause danger to life and loss of property.

f. In the meanwhile, Respondent Nos. 3, 4, 6, 12, 14, one Meena Ashok Shetye and Aarti Pandurang

Kakodkar on behalf of Vandana Pandurang Kakodkar filed Writ Petition Nos. 1611/2023(F), 1610/2023(F), 1612/2023(F), 1465/2023(F), 1461/2023(F), 1462/2023(F) and 1464/2023(F), respectively before this Court in challenge to order dated 07.06.2023 (second demolition order) passed by the Chief Officer, which came to be disposed of by order of 03.01.2024, by quashing and setting aside the order of 07.06.2023 on the sole ground that these Respondents were not personally served with notice dated 17.01.2018 of the MMC; this Court directed the Chief Officer to decide the matter afresh with regard to the aforementioned 7 parties. None of the other occupants of the building had challenged the first and the second order of the MMC, passed under Section 190 of the Act.

g. On hearing the parties to the aforementioned Writ Petitions, the Chief Officer passed order dated 18.01.2024 (third demolition order), after considering the report of the Technical Section of the MMC dated 06.06.2023, the report dated 27.06.2023 of Home Concepts, the report of the GEC dated 06.10.2017 and the report dated 14.08.2023 by Prof. M.G. Gadgil. On considering this material, the Chief Officer opined that there was no merit in the objections of the 7 parties

before him and directed the owner/occupier of the building to pull it down, after holding that the building was in ruinous condition, likely to fall, and posed danger to its occupants and the general public. Copies of this order was served on 12 occupants of the building.

h. Of the 12 persons served with the order dated 18.01.2024, Respondent Nos. 12, 13 and 14 filed proceedings before the Director of Municipal Administration on 01.02.2024 and obtained interim stay of the order of demolition. On 05.02.2024, Respondent Nos. 3 to 10 challenged the same order of demolition in revisional jurisdiction under Section 303 of the Act, though the same came to be registered as Appeals, before the Secretary, Urban Development (Respondent No. 1 herein). They were granted an order of stay of the third demolition order on 20.02.2024. Thereafter, Respondent No. 11 filed a Revision before the Secretary Urban Development (Respondent No. 1). Respondent No. 11 was also granted a stay of the demolition order.

i. In the meantime, the Petitioner approached this Court in Writ Petition No. 923/2024 assailing the

order of DMA dated 01.02.2024, granting stay to Respondent Nos. 12 to 14; the order of the DMA was quashed and set aside by this Court on 18.06.2024, holding that the DMA had no jurisdiction to entertain an Appeal as none was provided against the demolition orders passed under Section 190 of the Act.

Consequent upon this Court's order, Respondent Nos. 12 to 14 filed Revision Applications, in challenge to the third order of demolition before the Secretary Urban Development (Respondent 1).

j. The Secretary Urban Development (Respondent No. 1), heard the applications filed by Respondent Nos. 3 to 14, quashed and set aside the demolition order of 18.01.2024, and remanded the case back to the Chief Officer, directing him to conduct a fresh site inspection, either on its own or through neutral independent expert, and to decide the matter thereafter a fresh.

It is this order, passed by Respondent No. 1, that is impugned in the present petition.

6. Respondents No. 10 and 11 filed an Affidavit in reply dated 20.12.2025, averring therein that Regular Civil suit

No.54/2024/C and Regular civil Suit No.49/2024/C had been filed by them, claiming adverse possession of the premises held by the Respondents and consequently ownership of these premises. It was further contended that the application under section 190 of the Act was filed as a means to evict these respondents and to render these suits infructuous.

It was further contended that this Court ought not to entertain a Petition at the behest of a petitioner who had dishonest intent and was using this Court, by suppressing material facts (pendency of the civil suits) to evict these Respondents

7. Respondent No.12, 13 and 14 filed their Affidavits in Reply dated 20.12.2025 and contended that the Petitioner suppressed the report dated 27.06.2023 prepared by Home Concepts; it is further their contention that there was failure on part of the Petitioner in maintaining the building and further averred that Section 190 of the Act mandates that the Chief Officer shall first try to repair any dilapidated structure, unless it is beyond repair, before granting demolition.

8. After notice was issued to the parties, the matter was heard, and this Court, by its order of 23.12.2025 appointed the Goa Engineering College (GEC) to conduct a fresh inspection of the building and to assess the stability of the building by conducting such tests which would include Core Extraction & Compressive Strength test, Carbonation test on RCC Slabs, Rebound Hammer Test, Ultrasonic Pulse Velocity (UPV) Test and Carbonation Test and Half-Cell Potentiometer Test. The tests which this Court directed the GEC to be conducted were based upon instructions taken from the PWD, and are specialized tests which aid in determination of the state of health of a construction. The various standards prescribed for structures which are built of reinforced concrete are also provided in the manuals providing standards under the Indian Standards Act.

9. The GEC, conducted its inspection on 07.01.2026 and has conducted all the tests, as directed by this Court and has filed a report dated 09.01.2026, received by all parties to this petition.

10. On receipt of this Report, Respondent No. 8 filed an affidavit dated 17.01.2026, contesting this report and relying upon yet another opinion of Home Concepts dated 17.01.2026, in which it is opined that the building can be

fully repaired and restored by using suitable modern retrofitting techniques and that there is no need for total demolition of the building. During the course of hearing of the matter on 17.01.2026, the Respondent Nos. 10 and 11 placed on record a communication dated 17.01.2026 of one Silentica Constructions from Pune, Maharashtra, which opines, after considering the report of the GEC dated 09.01.2026, that the building can be repaired and stabilised.

SUBMISSIONS:

11. Following submissions were advanced by learned Senior Advocate Shri. Subodh Kantak on behalf of the Petitioner:

- i. It was submitted that the impugned order is passed in transgression of the revisional powers vested in the Secretary, Urban Development under Section 303 of the Act. The learned Senior Counsel submitted that the scope of interference with an order passed under Section 190 of the Act, in revision, is very narrow and the authority, without any specific reason, nor considering the material on record, has remanded the case back to the Chief Officer for the sole reason of conducting yet another inspection and obtaining a

stability report; it was submitted that taking such a course, itself defeats the provisions of Section 190 of the Act, which vests powers in the Chief Officer to take a quick decision, without delay to avoid the imminent danger that the building may pose, of collapse.

ii. It was further submitted that the GEC's first report of the year 2017, on conducting the Ultra Sonic Pulse Velocity Test, Compressive Strength of Core Cut Test and Rebound Hammer Test, had concluded that the building structure was standing precariously and could not be repaired, hence ought to be demolished; it was further contended that the same opinion was given by the Technical Section of the MMC on 06.06.2023. It was further argued that though the conclusions of the Revisional Authority, that the matter required to be remanded after noting the adverse findings in this report, were beyond its jurisdiction; it was further contented that the finding of the Authority that despite 7 years having elapsed, since this report, since the building is standing and no further damage of the structure has been reported, and further since these reports are contrary to the reports produced by the tenants of the building, the matter

required to be reconsidered is beyond the powers vested in the Revisional Authority.

iii. Reliance was placed on the following case laws:

(a) Vivek Shantaram Kokate and Others V/s Municipal Corporation of Greater Mumbai and Others¹.

(b) High Court on its own motion V/s Bhiwandi Nizampur Municipal Corporation & Ors, in order dated 26.02.2022 passed in Suo Moto PIL No.01/2020 by the High Court of Bombay.

(c) Vikas Premises Co-op Soc Ltd V/s Brihanmumbai Municipal Corporation and 6 ors, in order dated 02.07.2025 passed in Writ Petition (L) No.19422 of 2025 by the High Court of Bombay.

12. Opposing these submissions, Shri Shivan Desai, learned Advocate appearing for Respondent Nos. 3 to 9, advanced the following arguments:

(i) It was contended that though the first GEC report opines that the structure of the building had failed, the

¹ 2019 SCC OnLine Bom 1613

building was still standing; he further contends that the opinion of Home Concept, on two occasions has stated that the building could be repaired and such measures would add atleast 20 more years of life to the building. It was argued that the conclusion of the Revisional Authority which refer to these contrary opinion was correct and necessitate a remand for conducting a fresh inspection by an independent agency.

(ii) It was further argued that there were several litigations between the tenants and the Petitioner, and the provision of Section 190 of the Act were being misused to evict the occupants of the building, without following the due process of law; it was the contention of these Respondents that they are statutory tenants, protected under the Rent Control Act, and since seeking their eviction by following the procedure of law would be long drawn process, the Petitioner, is a predecessor in title and authorities are attempting to weaponize the provisions of Section 190 of the Act to evict the protected tenants from the building, without following due process of law. The Respondents therefore contend that this Court ought not to exercise its constitutional powers to interfere with the impugned order.

13. Shri Siddharth Naik, learned Advocate appearing for Respondent Nos. 12 to 14 has adopted the arguments laid by learned Advocate for Respondent No. 3 to 9.

Shri Suresh Babu, apart from endorsing the arguments on behalf of Respondent Nos. 3 to 9, has advanced the following submission:

(a) That Respondent nos. 10 and 11 have also filed Writ Petition Nos. 3360/2025 (F) and 3361/2025(F) which are due to be heard by the Division Bench of this Court in which the subject matter is the very same as in this petition. He contended that this Court should not proceed with this matter as the Division Bench would, apart from deciding the aforesaid two Writ Petitions, also decide this Writ Petition, as this matter has been called for and placed before the Division Bench on 20.01.2026.

(b) He further contended that the Respondents 10 and 11 have filed two Civil Suits in which they claim ownership by way of adverse possession of their respective premises as against the Petitioner; it was argued that the Petitioner has suppressed this fact, and if the relief is granted, it would result in demolition of

the two premises, which are subject matter of these suits, and would affect the rights of the Respondents No.10 and 11.

14. Dealing first with the allegations by the Respondent Nos. 10 and 11 that the Petitioner has suppressed material facts of the pendency of suits filed against him, on perusal of the record of the suits, which have been produced before me, I find that the same are for declaration of the claim of the Respondent Nos. 10 and 11 that they are owners of two premises of the building by adverse possession. There is no interim order of restraint against the Petitioner therein, and these suits are filed on 05.10.2024 and 03.10.2024 by the Respondents No.10 and 11 respectively, after the demolition order dated 18.01.2024, was passed under Section 190 of the Act. An order under Section 190 of the Act is obviously to be passed, without reference to any pending disputes amongst parties who are occupants of the concerned building, seems to be only consideration for such an order, is the danger that such a building may pose to life and property. All rights of parties or their claims remain intact, even if the building is demolished and can be enforced through an appropriate forum. The subject matters of the pending litigations, would therefore never operate as an impediment or obstruct the jurisdiction of the authority to

act under Section 190 of the Act, if there is imminent danger to life and property. The pending matters therefore have no relevance to such decisions. Even the pendency of the two petitions before the Division Bench, which are referred to by these Respondents, would have no impact on the outcome of this petition, since the only relief sought in those petitions is for compensation and damages claimed to have been suffered by the Petitioners therein, due to the various litigations filed by the present Petitioner.

CONSIDERATIONS

15. The main point that falls for determination in this Petition, is whether the orders dated 23.04.2025 of the Revisional Authority Secretary, Urban Development require interference.

16. To answer the point for determination, I would first proceed to examine the scope of the revisional jurisdiction of the authority under Section 303 of the Act.

Section 303 of the Act reads as under:

“303. Revisional powers of Government.- The Government may, at any time, for the purpose of satisfying itself as to the legality or propriety of any order passed by, or as to the regularity of the proceedings of, any Council or any officer subordinate to such Council or the

Government, acting in exercise of any power conferred on it or him by or under this Act, call for and examine the record of any case pending before or disposed of by such Council or officer and may pass such order in reference thereto as it thinks fit:

Provided that no order shall be varied or reversed unless notice has been given to the parties interested to appear and be heard:

Provided further that no such order shall be passed in any case in which an appeal is provided and has been preferred or has been decided:

Provided also that no such record shall be called by the Government after one year from the date of the passing of the order by the Council or the officer concerned.”

17. The revisional powers of the authority, form part of Chapter XXII of the Act, which deals with “Control” to be exercised by the various authorities. Sections 291 to 293 empower the Director of the Municipal Administration (DMA) to enter upon and inspect immovable properties, call for returns and reports and confer powers to suspend execution or orders of the council. Similarly, the DMA is also vested with powers under Sections 295 and 297 to enforce performance of certain duties. Section 294 vests powers in the Collector to provide for execution of work in case of emergency. The Government is empowered under Sections 296 and 298 to enquire into matters of administration of the Municipalities and to appoint

Administrators in Municipalities under certain circumstances.

18. Section 303 is the revisional power of the Government and provides for the Government, at any time, for the purpose of satisfying itself as to the legality and propriety of any order passed by, or as to the regularity of proceedings of the Council or its Officer, and on concluding that such order calls for interference, to pass such orders as it thinks fit. Note must be taken of the scheme of the Municipalities Act, which does not provide for a general power of Appeal against orders passed under the Act but provides for Appeals limited to challenge only certain acts; for example, under Chapter XII, which deals with Control of Buildings, an Appeal is provided against under Section 13 of Sub Section 184 (Notice of construction of buildings) only against orders of demolition under Sub Section 8 thereof, whilst not providing for Appeals against any other orders in that Chapter.

19. Since the Act restricts the orders which are made appealable, the scope of the powers of revision, provided for in Section 303, would have to be interpreted in that light. On a plain reading of Section 303, the revisional powers can be exercised only if, the Government records its satisfaction

that an order examined by it, suffers from illegality or is the product of an irregular procedure followed by the authority or the council. The scope of revision is therefore much narrower than that of an Appeal, and unless the illegality in the order is manifested or the proceedings that were conducted in such an irregular manner that would vitiate the order itself, the powers of revision cannot be exercised to set aside the order under examination.

20. The orders under challenge in revision before the Secretary, Urban Development, was the order dated 18.01.2024, passed under Section 190 of the Act. Section 190 of the Act reads as under:

“190. Removal of buildings, structures, etc., which are in ruins or likely to fall (1) If it shall at any time appear to the Chief Officer that any building or other structure or anything affixed to such building or structure is in a ruinous condition or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such building or structure or any other structure or place in the neighbourhood thereof, the Chief Officer may, by written notice, require the owner or occupier of such building or structure to pull down, secure, remove or repair such building, structure or thing or do one or more such things and to prevent all causes of danger therefrom.

(2) The Chief Officer may also, if he thinks fit, require the said owner or occupier, by the said notice, either forthwith or before proceeding to pull down, secure, remove or repair the said building, structure or thing, to set up a proper

and sufficient hoard or fence for the protection of passers by and other persons.

(3) If it appears to the Chief Officer that the danger from a building, structure or thing which is ruinous or about to fall is of hourly imminence, he shall, before giving notice as aforesaid or before the period of notice expires, fence off, take down, secure or repair the said structure or take such steps or cause such work to be executed as may be required to arrest the danger.

(4) Any expenses incurred by the Chief Officer under sub-section (3) shall be paid by the owner or occupier of the structure and shall be recoverable in the same manner as an amount due on account of a property tax.”

21. Section 190, which falls under Chapter XII (Control over Buildings) of the Act, empowers the Chief Officer to direct an occupier of a building, which is in ruinous condition or likely to fall or in any way dangerous to persons occupying or passing by such building, or dangerous to any neighbouring structure, to pull down, secure, remove or repair such building, to prevent all causes of danger therefrom. The provision empowers the Chief Officer to take preventive action, in cases of imminent danger posed by such structures. The provision therefore enables the Chief Officer to act immediately to prevent the collapse of any structure which is ruinous or unstable or dangerous to its occupants and its surroundings.

22. Orders under Section 190 are not made amenable to Appeal under Chapter XII and are only revisable. The intent of the legislature, by not providing an Appeal in such emergent situation, was obviously to curtail the time limit and scope of challenge, given that orders under Section 190 are preventive in nature and designed to avoid the danger that ruinous or unstable structure might pose to the public within or around it.

An order passed under Section 190, if challenged before the Government, must be examined, exercising jurisdiction under Section 303 of the Act, keeping in mind the underlined object of Section 190, i.e. that the structure in question is of such ruinous state, that its collapse may be imminent. The satisfaction to be recorded by the Revisional Authority, when testing such orders, is that the order either suffers from illegality or the procedure followed, whilst passing such an order is so irregular, such that it vitiates the order itself.

23. In the present case, it is not the case of the revisional Petitioners (Respondent Nos. 3 to 14) before the Revisional Authority that the order under Section 190 was illegal or suffers from such impropriety, or that the proceedings before the Chief Officer were conducted contrary to any

binding principles of law or contrary to any procedure laid down in the Act or Rules framed thereunder. All parties were heard by the Chief Officer and there were atleast four Reports before the authority, before the decision was taken. The decision refers to all these reports and records its opinion and satisfaction that based upon the GEC report of 2017 and the subsequent report dated 06.06.2023 of the Technical Section, that the building was in ruinous state and likely to collapse. In fact, the Respondent No. 3 to 14 have not challenged the initial order passed by the Chief Officer on 16.05.2019, of which all parties were obviously aware. These very Respondents challenged two subsequent orders under Section 190 before this Court in Writ Petition Nos. 1611/2023(F), 1610/2023(F), 1612/2023(F), 1465/2023(F), 1461/2023(F), 1462/2023(F) and 1464/2023(F), which set aside these orders on 03.01.2024, on the sole ground that the said Respondents were not heard before the same was passed. Thus, the Revisional Authority had to be mindful of all these proceedings, and the fact that the GEC had opined the building to be in ruinous state and likely to collapse in the year 2017, eight years prior to the passing of the impugned order.

24. Instead of considering the reports which were on record and examining the impugned order within the scope

of Section 303, the Revisional Authority has held that though the report dated 06.10.2017 of GEC opines the building is no longer fit for improvement and the structure is standing precariously, it holds that, despite more than seven years of the report, the building is still standing safely and no further damage of its structure has been reported. This finding, to say the least, is nothing short of being shocking, since it is neither within the jurisdiction of the Revisional Authority or this Court to express an opinion on Technical matters, and even more so on whether the building presently stands safely or not.

25. The GEC report of 2017 has been submitted after conducting three of six standard tests. The Ultra Sonic Pulse Velocity Test results, the results of the test of Compressive Strength of Core Samples and of the Rebound Hammer Test all suggest, as stated in the findings, that the structure is no longer fit for any improvement or strengthening and is precariously standing and may cause failure suddenly.

26. The first report of Home Concepts which is dated 27.06.2023 states that the building was constructed 45 years ago and that the RCC frame structure is in disrepair, but can be restored after retrofitting. It also opines that the building has aged and has been exposed to adverse conditions and

these have affected the carrying capacity of the structural members. It also notes that cracking in the beams is due to corrosion of reinforcement and cracks are also seen in the columns, but these are due to spalling. The report states that the overall stability of the structure can be assured, if repairs, restoration and retrofitting is undertaken at the earliest.

27. A reading of this report, despite all the intricacies of technical language employed therein, would clearly suggest that the building has reached the end of its lifespan and such lifespan can be extended for a period of 20 years, only if it undergoes extensive retrofitting, restoration and repairs. Note must be taken of the fact that the opinion of Home Concepts is not based upon specific tests conducted, as none appeared to have been referred to in the report, and the findings are purely based on visual inspection. None of the findings are based on data collected from the internal health of the RCC structure.

28. The order of remand under challenge in this petition, directs a fresh inspection to be conducted and require the Chief Officer to pass a fresh order on the basis of such report. To obviate further time being spent on a report being prepared after remand, this Court by its order of 23.12.2025,

appointed GEC, to conduct a fresh inspection and based upon inputs from the Technical Section of the Public Works Department, requested GEC to base its report and assess the stability of the structure after conducting (6 tests) namely Core Extraction & Compressive Strength test, Carbonation test on RCC Slabs, Rebound Hammer Test, Ultrasonic Pulse Velocity (UPV) Test and Carbonation Test and Half-Cell Potentiometer Test.

29. The GEC placed before this Court a report dated 09.01.2026, after conducting its inspection on 07.01.2026, after notifying the parties and has opined as under:

(a) The building exhibits advanced ageing, severe deterioration of concrete and reinforcement, and widespread structural distress attributable to prolonged neglect and environmental exposure Figure 5 shows that many of the structural members have widespread spalling and corrosion of reinforcement.

(b) It was observed that most shop owners have installed false ceilings and metal sheet coverings below the slab to conceal deterioration and manage water leakage. No corrosion treatment or structural

repair has been carried out. Such concealment has accelerated reinforcement corrosion, resulting in irreversible damage and rendering the slab beyond repairable limits.

(c) The cantilevered RCC slab covering the front corridor is in an extremely dangerous condition. Severe concrete spalling with exposed and corroded reinforcement was observed at several locations, with concrete on the verge of falling directly onto pedestrians

(d) The roof slab is in an extremely dilapidated condition in many locations, the reinforcement is almost completely corroded, leaving only rusted reinforcement markings, while in several areas steel bars are hanging freely from the slab soffit. The roof slab has lost its structural integrity and is unsafe as shown in Figure 9.

(e) A large tree has grown on the rear wall of the building. The tree exceeds the height of the structure, and its major roots have penetrated the external walls, beams, and columns as During heavy rains and winds, this tree can trigger sudden collapse. Evidence

of tree-induced shown in Figure 15. These roots exert continuous pull and thrust forces on the structure, distress is seen in collapsed internal walls and major shear cracks near this location.

30. From the test results of the six recommended tests, following were the observations found in the report:

(a) **Core Extraction & Compressive strength test and Carbonation Test on RCC Slabs**: The average compressive strength of concrete obtained from the core tests is 6.95 N/mm² for the roof slab and 9.05 N/mm² for the ground floor slab. During testing, all extracted cores exhibited unsatisfactory behaviour, with failure occurring in a crushed and powdery form under load. Such failure characteristics indicate loss of cohesion, excessive brittleness of concrete, poor residual structural integrity, rendering the concrete unacceptable for reliable structural performance as shown in Figure 16.

The minimum strength requirement for RCC structure is 30 N/mm under severe exposure condition as per IS 456-2000 code which is relevant to the present structure located near sea coast.

(b) **Rebound Hammer Test**: The results of the rebound hammer tests conducted on RCC columns, beams, and selected locations of RCC slabs indicate substantially low in-situ concrete strength. The average estimated compressive strength of concrete in the first-storey columns beams and slabs is 13.13 N/mm², while that of the ground-storey columns beams and slabs is 14.28 N/mm². These values are significantly lower than the minimum acceptable strength for structural RCC members and are indicative of poor quality and advanced deterioration of concrete. The results are presented in Annexure III.

(c) **Ultrasonic Pulse Velocity Test**: Based on the UPV test results and their strong correlation with observed physical distress, it is inferred that the RCC beams and columns have suffered significant internal damage. The presence of internal cracking and poor-quality concrete adversely affects stiffness, durability, and load-carrying capacity of the structural members, thereby raising serious concerns regarding their structural reliability and long-term safety.

(d) **Carbon Test And Hald Cell Potentiometer**

Test: The Half-Cell Potentiometer tests carried out on selected structural members further confirm the severity of corrosion. The test results indicate high corrosion activity, with a greater than 90% probability of active and severe reinforcement corrosion. Such readings clearly establish that corrosion is not localized but widespread and ongoing within the structural system. The test results are provided in Annexure IV.

The combined interpretation of carbonation test results and half-cell potentiometer measurements conclusively demonstrates that the structure is in a critical state of durability distress. The advanced stage of carbonation, coupled with severe and active corrosion of reinforcement, has significantly compromised the ductility, load-carrying capacity, and overall structural reliability of the RCC slabs, beams, and columns. The prevailing condition is indicative of a high risk of brittle failure, making the structure unsafe in its current state and unsuitable for conventional repair or rehabilitation measures.

31. On considering all these tests, the overall assessment of the GEC opines the following:

1. The building has suffered extensive and irreversible structural damage.
2. The RCC slabs, beams, and columns have lost and greatly reduced beyond the limit their load-carrying capacity.
3. The structure is totally unsafe for occupancy and poses risk to life & property.
4. The structure is dangerously dilapidated & ruinous state and may suddenly collapse and is unstable.

Based on this opinion, the GEC was of the view that due to the advanced stage of deterioration, loss of structural integrity, and imminent risk to life and property, it is strongly recommended that the building be immediately evacuated, declared unsafe and dangerous, and demolished in a controlled manner at the earliest. Repair, retrofitting, or strengthening of the existing structure is technically not feasible hence not recommended. Hence the building is strongly recommended for demolition.

32. The report by Silentica Constructions, relied upon by the Respondent Nos. 10 and 11, submitted to this Court is signed by a person who is not identified and not even the qualification of the signatory is stated in the report. The report is the opinion of the signatory on perusing the GEC report and does not even refer to having carried out any site inspection or any tests. In my opinion, this opinion would be extremely unsafe to be relied upon for such a matter.

33. Thus, considering the two reports of the GEC which are 8 years apart, there is absolutely no doubt that the building is unfit for human habitation, is in ruinous state and possess and imminent danger to the life of its occupants and public at large. The building is admittedly located in a busy market area abutting the main road with heavy pedestrian movement as stated in the GEC report. The building accommodates multiple commercial shops and is in the area which is continuous used by the public, and as opined by the GEC, significantly increases the risk to life and property in the event of structural failure. From these observations alone, a clear case has been made out for demolition of the ruinous structure of the building under Section 190 of the Act; these are the findings rendered by the Chief Officer in order dated 18.01.2024, and they cannot be faulted.

34. Merely because the Revisional Authority feels that there is a contradicting report filed by Home Concepts, this could not be a ground for exercising revisional jurisdiction to upset the original order, since the order is based upon the report of the GEC, which has not been challenged technically; all that the report of the Home Concepts dated 27.06.2023 states is that the building is capable of life extension provided it undergoes extensive retrofitting. This opinion is not based on any tests conducted by the Home Concepts to contradict the readings of various tests or findings contained in the first GEC report. Even before this Court, the second report of Home Concepts dated 17.01.2026 is more of an opinion on the second GEC report and does not contain an independent opinion of its own based on specific tests; in fact, none of the six tests conducted by GEC have been conducted by Home Concepts to conclude that the structure is now behaving as a load bearing structure and not a framed structure.

35. In *Vivek Kokate* (supra), a Division Bench of this Court considered exactly a similar situation to the present one, where the structural consultant's report opined that the building which was held to be in ruinous state could be repaired. This Court has examined the provisions of Section 354 of the Maharashtra Municipal Council Act which are

pari materia with the Section 190 of the Goa Act and has opined the scope of this jurisdiction and of interference with such orders by a Writ Court. These are the observations recorded therein:

“ 5. In six judgements delivered in similar cases involving challenges to almost identical notices, this court summarised the applicable legal principles. These decisions are

(a) Mahendra Bhalchandra Shah v Municipal Corporation of Greater Mumbai. Writ Petition (L) No 1755 of 2019 decided on 24th June 2019

(b) Inderjit Singh Sethi v Municipal Corporation of Greater Mumbai. Writ Petition No 880 of 2018. decided on 9th July 2019

(c) Ramesh Nathubhai Patel v. State of Maharashtra, Writ Petition No 1500 of 2016 decided on 9th July 2019 Municipal

(d) Kutbi Manzil Tenants Welfare Association v Corporation of Greater Mumbai Writ Petition No 2451 of 2018 decided on 18th July 2019.

(e) Sundar R. Gavaskar v Municipal Corporation of Greater Mumbai, Writ Petition No 602 of 2019, decided on 29th July 2019

(1) Richard Gasper Mathias v Municipal Commissioner, Municipal Corporation of Greater Mumbai Writ Petition No 2108 of 2018 decided on 1 August 2019

6. In these decisions, this Court examined the scope of Section 354 the settled law on the subject in the context of writ jurisdiction the provisions of Section 353B of the MMC Act, and its statement of objects and reasons and dealt, too, with the argument that demolition of a tenanted structure adversely affects tenancy or occupancy rights The principles of law culled from these decisions are these.

(a) It is never for a Court in exercise of its limited writ Jurisdiction under Article 226 of

the Constitution of India to decide whether a particular structure is or is not actually in a ruinous or dilapidated condition see Diwanchand Gupta v NM Shah Nathubhai Dhulaji v Municipal Corporation.

(b) The rights of tenants/occupants are not harmed by demolition ordered and carried out. These rights are adequately safeguarded by Section 354(5) of the MMC Act and by the provisions of the governing Maharashtra Rent Control Act, 1999 which fully occupies the field regarding tenancies of built premises in Maharashtra. The Supreme Court decision in Shaha Ratansi Khimji & Sons v Kumbhar Sons Hotel Pvt Ltd now makes it clear that the rights of tenants and occupants are unaffected by the required demolition.

(c) Tenants have rights but also remedies to keep their structure in tenantable repair. We have referred extensively to Section 14 of the Maharashtra Rent Control Act, 1999. So far, we have not seen a single case where any tenant or group of tenants has invoked his or their rights under this Section.

(d) Section 3538 casts an obligation not only on owners but also on occupiers of structures that are more than 30 years old to furnish a structural stability certificate. We have yet to see one so furnished unbidden, or, when demanded, one with anything meaningful in it.

(e) A Writ Court exercising jurisdiction will not substitute its own view for that of technically qualified experts. Equally, the Writ Court will not prefer the view of one expert over another.

(1) In order to succeed a Petitioner before the Court must be able to show that the impugned action suffers from Wednesbury unreasonableness. i.e. it is so unreasonable that no rational person could, having regard to the fact of the case, ever have reached it. There is no scope in such cases for any larger judicial review or invoking the doctrine of proportionality. In other words the decision must be shown to be utterly perverse, or in excess of authority or manifestly illegal.

21. *We have said this before, and we will say it again, and yet again, as often as we must this Court will always err on the side of caution for human lives matters Buildings can be reconstructed A life lost is lost forever. The alternative is unimaginable the building was not demolished because of a stay granted by the Court. The building collapsed People died. Therefore, people died because the Court granted a stay This is the conclusion devoutly to be avoided A built structure is, in many ways, like the human body Both require routine care and maintenance, and early intervention when serious problems are detected Without this both fail To say then as Mr. Murthy says today, that the building can be repaired is very like saying a life can be artificially prolonged for a little while Whether or not to keep a life going may pose an ethical, legal or moral dilemma. A building presents no such challenge. On the contrary, it is the lives in the building that are our paramount, primary, and perhaps, only concern It is for this reason that we insist that unless there is a prima facie finding there cannot be an order of Imo such matters, and in no case can such an injunction be rendered weak-kneed by tacking onto it a wholly unenforceable and redundant undertaking That undertaking as we said elsewhere, is useless as soon as the undertaker meets his maker There can also be no generalized order of status quo without knowing what that status quo is, because in matters such as these, that would Inevitably involve an injunction against the annual monsoons. We have also noticed, in more than one case that while these status quo orders were pending and for precisely this reason, the weathering - some portions of such judicially protected structures (some on busy roads near stations) actually collapsed.”*

36. Subsequently, a similar matter was examined by this Court in ***Suo Moto V/s Bhiwandi Nizampur Municipal Corporation & Ors*** (supra) which considered Section 264 of the Maharashtra Municipal Corporations Act, 1939,

which empowers the Municipalities to remove ruinous structures. The scope of interference with such orders and the approach of authorities in exercising this jurisdiction has been discussed in the following paragraphs:

“ DILAPIDATED/RUINOUS BUILDINGS.

88. People losing their lives in building collapses, is required to be completely obliterated. The right to livelihood, in our opinion, includes the right to live in safe buildings and houses. Whosoever is the owner of the building, may it be of private ownership or of the ownership of a public body, as also whosoever is occupying the building, it is the constitutional obligation of such persons, that the safety of the building/ premises is paramount so that the lives of the residents of the buildings are safe and not endangered by a likely collapse. In the event of an unfortunate collapse not only the owners but also the occupants for their negligence would be required to be held responsible for consequences which may arise from a collapse.

89. We have noted the provisions of law which recognize an obligation of the owners/occupants to maintain the premises so that they are safe for human living. In the event the structure/building is dangerous, strict enforcement of the provisions of law is expected from the municipal authorities against the owners and the occupants of such structures/building. It is clear that variety of powers are available with such authorities to enforce such obligations. It is also a lawful duty of these officers not to turn a blind eye to the ruinous buildings, and by their inaction, bring about a situation that the building/structure collapses and residents lose their lives. In such event, not only the persons who own the building but also those who permit ruinous buildings to stand, become accountable and responsible for the consequence of such collapses. The tendency of those who knowingly

permit occupation of ruinous buildings/structures is also required to be commented upon. If there is resistance of the occupants to vacate the buildings which are ruinous, then necessarily, not only in the interest of the residents of such building but also those who occupy the adjoining premises and those who are likely to be affected in the event of unfortunate collapse, becomes a matter of serious concern. In such situations, it is expected that the authorities take all forcible measures against such occupants as permissible in law. If such occupants in this situation resist the action being taken and approach the Civil Court, the Civil Court in such a situation needs to be extremely slow as noted by the Co-ordinate Bench of this Court in Mohd. Talib Habib Shaikh (supra) as any interference by the Civil Court may endanger the lives of others

90. In our considered opinion, there is an urgent need of a collective social consciousness to be inculcated in our fellow citizens living in unsafe buildings. The adamant attitude of residents to vacate the buildings which are declared to be ruinous needs to be strictly dealt. The municipal machinery needs to enforce the mandatory compliance of structural audits to be submitted by the owners of the buildings as per the requirement of law, failing which, actions need to be taken against such owners who do not undertake structural audit of old buildings. This is the need of the hour. There is yet another aspect, also there is no guarantee that the new buildings (less than 30 years old) are safe and would not collapse as the experience has shown. In regard to such buildings, the municipal authorities are required to take all precautions also of securing an undertaking from the developer/builder or from whosoever is constructing the building, that the entire structure of the building would be safe for its occupants on all aspects of its user, for the stipulated period as the law may require, and as to a declaration as to the safe life of the building in normal circumstances. In our opinion, in the absence of such guarantee and assurance of safety, the lives of the occupants can certainly

be said to be unsafe to occupy the building, where such assurance has been compromised. Thus, all provisions under the law and the D.C. Regulations need to be strictly enforced on this front.

91. We also note from the current statistics which are made available by the Mumbai Municipal Corporation on its website that there are 407 dilapidated buildings in Mumbai. There may be similar structures within the Municipal jurisdiction of Corporations in the vicinity of Mumbai and other places. The planning authorities, therefore, are required to take emergent actions in regard to such ruinous structures and save innocent lives being lost in possible building collapse. Various enactments conferring powers with the Municipal Corporation are replete with provisions strengthening the hands of the municipal officers to take action against such dilapidated buildings. The concerned officers not only need to be vigilant but also inculcate a willingness to take actions, and that too, by overcoming all odds and possible interferences/hindrances which may be created by unscrupulous, unconscionable and corrupt elements, in obstructing their lawful discharge of duties. There may be extraneous forces which may operate in this situation and derail any action to be taken in respect of a dilapidated building. However, as it would be the ultimate accountability and responsibility on the municipal officers, in the event of an unfortunate building collapse, the officers need to overcome all such pressures and discharge their duties with utmost accountability as obligated in law.

92. As noted by us above, the Municipal Commissioners are expected to frame a mechanism so that the concerned designated officers of every ward would enforce an audit of the buildings as required by law, so that the buildings which are notified to be ruinous can be vacated and incidence of a collapse averted. We may also note that there may be category of buildings which in no time from the year of their

construction become dangerous due to the inferior quality of the construction material and/or for other reasons. Experience has shown that there are certain buildings of recent origin, which were constructed with sub-standard materials and/or on account of their rank defective construction, were hazardous for occupation and ultimately collapsed. This was a case of a building which collapsed on 4 April, 2013 in Mumbra, now a suburb of Thane. It was one of the most ghastly collapses in which 74 people died, and of which there were 18 children, 33 men and 23 women. Such building was an illegal building. A serious question in such situation would arise, as to how such illegal buildings could come up and people occupy such buildings? Is it not in connivance with the municipal and the State officers ? It is for such reason, and with the sense of concern for our fellow citizens, we have impressed the important role of the municipal and the State officers in the scheme of affairs, to be extraordinarily vigilant and prevent building collapses. A comparatively new building becoming dangerous is also required to be brought to the notice of the municipal authorities by all the concerned including the occupants, as these situations cannot remain hidden.

93. We also cannot forget the role of the municipal officers and its law officers in not showing promptness and/or in delaying to move the Courts for vacating any orders passed on illegal constructions and dilapidated buildings. They cannot remain mute spectators in the event the situation requires a stay or injunction, warranting to be urgently vacated. The Municipal Commissioner needs to take appropriate actions on the concerned officials, if it is found that prompt actions are intentionally not being taken or are delayed for extraneous purposes and for unexplainable reasons.

96. It is clear from the reading of the above provisions that it obligates the Commissioner/Designated Officer to take action in regard to such ruinous structures not

only in the interest of the residents but also in the interest of the neighbourhood, passersby etc. so as to protect human life and property. The obligation cast on such officers under these provisions are obligations to be discharged in public interest and become enforceable as they fall under the realm of public law. An obligation on the Municipal Commissioner/Designated Officer is to call upon the owners or the occupiers to pull down the ruinous structures, and to take all measures for protection of those who are likely to be affected by collapse of such ruinous buildings. Section 354 of the MMC Act is pari materia to Section 264 of the Maharashtra Municipal Corporation Act. This apart, even Section 14 of the Maharashtra Rent Control Act would create an obligation on the landlord to keep the premises in good repair. Section 14 has overriding effect over any other law for the time being in force, which casts a duty on the landlord that he shall keep the premises in good and tenantable repair. Sub-section (2) of Section 14 provides that if the landlord neglects to make any repairs, which he is bound to make under sub-section (1), within a reasonable time after a notice of fifteen days is served upon him by post or in any other manner by a tenant or jointly by tenants interested in such repairs, such tenant(s) may themselves make the same and deduct the expenses of such repairs from the rent or otherwise recover the amounts from the landlord.

97. In the context of Section 354 of the MMC Act, a decision of the Division Bench of this Court in 1959 in Nathubai Dhulaji Versus the Municipal Corporation, Bombay⁸ needs to be noted. In this case, the Court was considering an appeal arising from a decree passed by the City Civil Court, at Bombay, dismissing the appellant's suit. The suit was instituted in regard to a structure in respect of which a notice was issued under Section 354 of the Bombay Municipal Corporation Act, asking the petitioner to pull down the building. It is in these circumstances, the appellant/plaintiff approached the Court by filing an appeal. It is in the context interpreting Section 354 of the

Act, the Division Bench observed that there can be no question that what was primarily intended by the enactment of Section 354 of the MMC Act was securing of public safety. It would also be appropriate to note the telling observations of the coordinate Bench of this Court in Vivek Shantaram Kokate & Ors. Vs. Municipal Corporation of Gr.Mumbai & Ors.9 concerning the risk to the lives of those residing in ruinous buildings, in the context of a notice under Section 354 of the Mumbai Municipal Corporation Act issued by the municipal corporation, which was the subject matter of challenge before the Court. The Division Bench in paragraph 21 observed thus:-

“21. We have said this before, and we will say it again, and yet again, as often as we must: this Court will always err on the side of caution. For human lives matters. Buildings can be reconstructed. A life lost is lost forever. The alternative is unimaginable: ‘the building was not demolished because of a stay granted by the Court. The building collapsed. People died. Therefore, people died because the Court granted a stay.’ This is the conclusion devoutly to be avoided. A built structure is, in many ways, like the human body. Both require routine care and maintenance, and early intervention when serious problems are detected. Without this, both ail. To say then, as Mr.Murthy says today, ‘that the building can be repaired’ is very like saying a life can be artificially prolonged for a little while. Whether or not to keep a life going may pose an ethical, legal or moral dilemma. A building presents no such challenge. On the contrary, it is the lives in the building that are our paramount, primary, and, perhaps, only concern. ”

(emphasis supplied)

98. It is thus clear from the scheme of the provisions of the above legislations that, in matters of dilapidated and ruinous buildings, there is no scope whatsoever to accept a situation that the occupants of such structures live in uncertainty and risk their lives.

99. *In the scheme of Constitutional governance, it is not possible for us to assume that a public official, howsoever high, or mighty or low, can remain without public accountability to "We the People". Failure of accountability and discharge of public duties and responsibilities which the law would mandate them to discharge, in our opinion, are anathema not only to the expectations of lawful governance, but would also bring about a colossal case of derailment of the Constitutional and legal machinery, resulting into patent societal injustice and a civic regime opposed to the rule of law. The issues, which we have discussed above, certainly cast a serious doubt as to whether the above expectations of the rule of law are at all fulfilled and/or are followed in breach. It is for such reason, when there is a glaring and an apparent failure on the part of the statutory authorities to comply their lawful duties and Constitutional expectations, and/or when there is a dent or a breach in enforcement of the laws, the Courts unhesitatingly are required to step in so as to correct those who are failing in the discharge of their lawful duties, of not only to remind them of such duties and obligations but use the strong arm of law to set the same enforced and restore the confidence and expectations of the citizens, in the rule of law. This would also certainly require the Court to strictly deal with such officials, as the law would mandate the Court to so deal with them. They ought not to be under any impression that they can evade law with impunity. The famous quote of Lord Acton that "power corrupts and absolute power corrupts absolutely ought to be realized to be untrue and something of the past, in its applicability in public governance. This, more particularly, when the aim is to compete with the other countries of the world where not only the building laws are stringently followed but also the aesthetics in relation to constructions and building designs are given a great impetus, so that the cities do not become eye sores of brick and mortar. This apart, as echoed in every public policy, corruption in municipal governance should be brought to the books by establishing multiple layers of anti-corruption mechanism within and outside the*

organization and achieve strict application of the provisions of the Prevention of Corruption Act, 1988. This ought to be implemented with immediate urgency by keeping a vigil on those officers who in the absence of any hurdles are deliberately not taking actions against illegal and unauthorized constructions. It is only then that there can be a ray of hope and sunshine for the future generations.”

37. Thereafter, yet another Division Bench of this Court considered a case (***Vikas Premises Co-op Soc Ltd.)*** (supra) where demolition of a building was opposed, claiming it could be repaired, and on considering the very same provisions and examining the scope of interference with technical opinion of the health of such structures has made the following observations:

“21. After having heard Learned Counsel.....

E. The very purpose of the TAC, as established in Writ Petition No.1080 of 2015 and the Circular dated 17th October 2017, was to reconcile conflicting structural audit reports. However, this mechanism was intended for situations where there was a genuine dispute over the structural integrity of a building and where immediate danger is not apparent This procedure was not contemplated to aide those Societies which have done absolutely nothing to ensure that their premises are kept well maintained and don't pose a risk to the safety of all concerned. In the facts of the present case, from all counts the situation is one which requires swift action which we must both note and commend the Respondent Corporation for taking. The suppressed material itself makes it

clear that the contention that there are in this case "conflicting reports" is wholly irrelevant and certainly not acceptable in the fact situation. Thus, in such gross facts the question of submission of the reports to the TAC in our opinion, does not arise. In any event, the safety of human life and property in the vicinity takes precedence over any so-called procedural lapses, even assuming such existed.

H. The facts of the present case and from the material which is placed before this Court as also the suppressed material makes it crystal clear the immediate and verifiable threat of collapse, which necessitate the demolition of the said building. This Court has consistently held, as evinced in numerous pronouncements including the judgment of the Bombay High Court in the case of High Court on its own motion (In the matter of Jilani Building at Bhiwandi) (supra), that where a building is found to be in an imminently dangerous condition, posing a risk to life and property, the municipal authorities are duty-bound to take prompt action, including demolition, to avert a disaster. In the Jilani Building case, this Court held that the paramount consideration is public safety, and when there is clear evidence of a dilapidated structure posing an immediate threat, procedural delays or disputes over repair versus redevelopment cannot be permitted to jeopardize lives

22. While parting, we may observe that in the glaring facts and circumstances of the case, preventing the municipal machinery from strict adherence to the provisions of law and take appropriate action the law would mandate, consistent to what has been held in the decisions of this Court, and/or to take a view against demolition is certainly not acceptable. To deal with such serious issues peculiar to Mumbai with large number of old and

dilapidated buildings suffering collapses and which invariably happen during the monsoon season, this Court rendered its decision in High Court on its own motion (in the matter of Jilani Building at Bhiwandi) (supra) What a paramount for the Court is to consider is safety of human lives, which would be not only of the occupants but also of all those who are likely to be affected by this ruinous structure. Even persons occupying adjoining buildings, passers by on the busy road have rights not to get affected in any manner by a building collapse. There cannot be any guarantee whatsoever when the building would collapse. The duty to maintain the building was of the petitioner, which is a Cooperative Society and certainly an association of persons who are all occupying commercial premises, that too with several prominent commercial establishment and a restaurant being situated in the building with large business turnover. All such persons have done nothing, than exploiting the building and recklessly using the same, leaving the building to be deteriorated Today the situation is of fait accompli It has gone completely out of hand. On such conspectus, we would not permit ingenuity and/or such technical pleas being advanced and in these circumstances permit the law to take its own course, It is not new to the municipal jurisprudence that ruinous dilapidated buildings, were required to be demolished/removed. The present building cannot be an exception.”

38. Thus, I see, that the Courts have consistently held that in technical matters, of the nature where opinions are given that a building is in a ruinous state and requires demolition, such orders ought not to be easily interfered with by a higher authority or Court. I see no valid reasons contained in the

impugned orders passed by the Secretary, Urban Development to exercise revisional jurisdiction under Section 303 of the Act, to interfere with the order of demolition dated 18.01.2024, passed by the Chief Officer, as there is neither any illegality or procedural lapse that would vitiate the order, manifest on the face of that order. There was therefore no cause for exercise of revisional jurisdiction; the impugned order of the Secretary Urban Development is therefore quashed and set aside.

39. The order dated 18.01.2024 of the Chief Officer satisfies all the requirements of Section 190 of the Act, and now even more so, after the GEC has rendered a comprehensive opinion in its report dated 09.01.2026, which unequivocally recommends that “Shridhar Building” at Vasco Da Gama must be demolished. Since the continuation of the existence of the said building would pose imminent danger to life, the Chief Officer, Mormugao Municipal Council, shall now ensure that the occupants of “Shridhar Building” vacate the premises within a week of passing of this order; on the building being rendered fully vacant, the same shall be cordoned off and the Chief Officer shall ensure that it is demolished within eight weeks thereafter. Execution of the order of demolition shall in no manner affect the rights claimed by any of the occupants or

affect pending litigations amongst occupants or other parties.

40. Rule is made absolute in terms of prayer clause (a) and the directions contained in paragraph No. 39 above. No costs.

VALMIKI MENEZES, J.

JUDGMENT CONTINUED

41. It is to be noted that the parties to the petition shall ensure that all bills which are raised by the GEC and any agency hired for the preparation of its report shall be cleared within a period of two weeks from passing of this order.

42. At this stage, learned Advocate Mr. Siddharth Naik, appearing for Respondent Nos. 12 to 14 and learned Advocate Mr. Suresh Babu appearing for Respondent Nos. 10 and 11 requested for a period of six weeks to vacate the premises occupied by them; they submit that they have a running business in the premises and it will take subsequent time for them to remove the stalks and other materials from the said premises.

43. I have considered these submissions, and rejected the same in the light of the specific observations made by GEC in its report dated 09.01.2026, where it opined that there is every likelihood that the structure of the building might suffer with sudden failure which would cause extensive threat to life, which would also endanger, the life of the occupants of the building and the pedestrians in the vicinity of the building. On this count, no further extended time shall be granted to the occupants to vacate the structure.

VALMIKI MENEZES, J.