



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.18566 OF 2024

Govind Raj Darshan CHS Ltd. and ors. ... Petitioners
Versus
State of Maharashtra and ors. Respondents

Adv. Abhijit Patil, for the petitioners.
Mr. Yatin Shashikant Khochare, "B" Panel Counsel, for respondent
Nos.1 and 3-State.
Adv. Harsahd Inamdar (through VC), for respondent No.2.
Adv. Ulhas Shinde a/w Adv. Jagdish Koyande, for respondent No.5.

CORAM : M. S. KARNIK &
SHYAM C. CHANDAK, JJ.

DATE : 25th MARCH, 2026

P.C. :

1. Heard learned counsel for the parties.
2. The petitioner is the Co-operative Society. The building which is the subject matter of this petition became dilapidated. The Kulgaon Badlapur Municipal Council issued a notice dated 18th October 2022 on the basis of the structural audit that the building is in a dangerous condition and needs to be vacated. There are 14 members of which 13 have vacated the subject premises.
3. Learned counsel for the respondent No.5, who is still occupying the suit flat submits that the Society has not followed

the proper procedure, nor has the Corporation followed the prescribed procedure before declaring the suit premises dangerous.

4. This is a petition filed by the Society contending that the respondent No.5 has not been staying in the subject premises which is kept locked. It is submitted that only to delay the scheme and harass the Society, the respondent No.5 is contending to be in the occupation of the suit structure. This petition prays for a direction to the Kulgaon Badlapur Municipal Council and Police Authority to issue appropriate direction to respondent No.5 for vacating the premises.

5. The structural audit report is on record. The notice declaring the building as dangerous is also on record. If at all, the respondent No.5 is aggrieved, he may take steps against the issuance of such notices. However, considering that 13 members have already vacated the premises, and it is only the respondent No.5 who is holding on to the premises, having regard to the condition of the building, which we can be seen from the photographs, it is absolutely necessary that the respondent No.5 vacates the suit premises if he has not already vacated. The Kulgaon Badlapur Municipal Council to take necessary steps to

evict the respondent No.5 and hand over his belongings in the subject flat. At this stage, learned counsel for the respondent No.5 on instructions submits that the flat in question will be vacated within a period of one week from today and the vacant possession shall be handed over to the Society. The said statement is made by the learned counsel for the respondent No.5 on instructions of respondent No.5, who is present in the Court is accepted as an undertaking to this Court. If the respondent No.5 does not vacate the premises within a period of two weeks from today, then within a period of one week therefrom, the Kulgaon Badlapur Municipal Council to initiate necessary action with the help of the police if required, within a period of one week.

6. Learned counsel for the petitioners submits that the respondent No.5 will be provided all the benefits to which the other members of the Society have been given including the payment of rent till the redevelopment is complete, corresponding to the area of the flat in question. If at all the respondent No.5 has any grievance against the Society, it is for the respondent No.5 to initiate appropriate proceedings seeking appropriate reliefs.

7. Keeping that liberty open, the writ petition is disposed of.

(SHYAM C. CHANDAK, J.)

(M. S. KARNIK, J.)