

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

Writ Petition No. 1406 of 2024

Vrindavan Cooperative Housing Society Ltd ... Petitioner
V/s.
State of Maharashtra And Ors ... Respondents.

Mr. Kishor Patil i/b Mr. Sameer Mhatre for Petitioner.

Mr. Dhairya A. Parek i/b Mr. Satyadev D. Joshi for Respondent No.2.

Mr. Nishigandh Patil, AGP for Respondent-State.

Ms. Anjali Ghuge for Respondent Nos. 2 & 5.

Mr. Sandeep Wasudeorao Ghogare and Mr. Adinath Vanve Engineers 'S' Ward present.

**CORAM : M.S. KARNIK &
S.M. MODAK, JJ.**

DATE : 11th March 2026.

P.C. :

1. Learned counsel for the Corporation submits that since IOD is issued, it is the duty of the Developer to now pull down the structure in view of the stability report. It was the grievance of the Society that appropriate action has to be taken by the Corporation under Section 354 of the Mumbai Municipal Corporation Act.

2. In view of the stand taken by the Corporation, learned counsel for the petitioner submits that Developer has already written to the

Society that he will execute and register allotment agreement to each member including respondent No.3 on the same development conditions as agreed between the parties. The copy of letter dated 4th January 2025 is placed on record.

3. In such view of the matter, it is now open for the Developer to pull down the structure. Even the respondent No.3 has vacated the suit premises. In the light of the stand taken by the Corporation that the Developer should take action for demolishing the suit premises, nothing survives for further consideration in the present petition. The present petition is disposed of.

4. Learned counsel for the petitioner has placed on record copy of the affidavit filed by respondent No.3 indicating that he is willing to remain present for executing the agreement with the Developer in respect of subject flat for the alternate accommodation applicable in the locality in view of the order of Corporation.

(S.M.MODAK,J.)

(M.S.KARNIK, J.)