

**'DO NOT WANT ANY MORE CASUALTIES'**

# HC asks state government, BMC to take steps against 'illegal structures menace'

**OMKAR GOKHALE**

MUMBAI, JUNE 29

THE BOMBAY High Court on Tuesday asked the state government, BMC and other municipal corporations in Mumbai Metropolitan Region to show urgency and avoid loss of lives due to building collapses by preventing the menace of uncontrolled illegal constructions.

The court also questioned the state when will the authority to oversee the issue of illegal constructions in the city as suggested by it four years ago would be constituted. The HC also sought a response from BMC on preliminary findings by the court-appointed inquiry commissioner into the Malwani (Malad) building collapse.

A division bench of Chief Justice Dipankar Datta and Justice Girish S Kulkarni was hearing a suo motu public interest litigation (PIL) it had initiated last September after the collapse of a building in Thane's Bhiwandi, which claimed 40 lives. The court had noted that between May 15 and June 10, at least four incidents of building collapses were reported from

Ulhasnagar, Bandra and Malad.

On June 11, the HC had ordered a judicial inquiry into the building collapse at Malad in Mumbai that led to the deaths of 12 people, including eight children. It had termed the incident a 'man-made disaster' and appointed HC judge Justice (Retired) J P Deodhar as Commissioner of Inquiry.

On Tuesday, the bench took note of the preliminary report, which stated that "Sum and substance of the findings was that there was a single-storied structure on which three floors were raised in an absolute unauthorized manner, no permission was taken from authorities and the inquiry commissioner has fixed responsibility."

After senior counsel Aspi Chinoy representing BMC sought a week to respond to the findings, the bench said, "The monsoon has already set in, we do not want any more casualties. Do not take it next week. You have to tell us which part of the recommendations are acceptable. Please ask officers to deal with the matter seriously. We have seen enough buildings collapse so far. There has to be a strict vigil by authorities..."

The court posted a further hearing in the matter to July 2.

jvs

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**SUO MOTU PUBLIC INTEREST LITIGATION NO.1 OF 2020**

High Court on its own motion  
(In the matter of Jilani Building  
at Bhiwandi) ... Petitioner  
Versus  
Bhiwandi Nizampur Municipal  
Corporation & Ors. ... Respondents

**WITH  
INTERIM APPLICATION NO. 1304 OF 2021  
IN  
SUO MOTU PUBLIC INTEREST LITIGATION NO.1 OF 2020**

Shri Nilesh Manohar Baviskar ... Applicant

**In the matter Between:**

High Court on its sown Motion  
(in the matter of Jilani Building  
At Bhiwandi) ... Petitioner  
Versus  
Bhiwandi Nizampur Municipal  
Corporation & Ors. ... Respondents

Mr. Sharan Jagtiani, Senior Avocate with Mr. Rohan Surve,  
Advocate – Amicus Curiae with Mr. Malahhar Khan, Priyank  
Kapadia, Shradhha Achliya, Advocates.

Mr.Aspi Chinoy-Senior Advocate with Mr.Joel Carlos, Mr.Om  
Suryavanshi, Mr.A.Y.Sakhare-Senior Advocate, Mr.Rohan  
Mirpury, Mr.Zishan Quazi, Ms.Trupti Puranik i/b. Aruna Savla  
for the Municipal Corporation.

Mr. Vijay S. Kurle for applicant/intervener in IA/1304/2021.

Mr. R. S. Apte, Senior Advocate a/w Mr. N. S. Bobade i/by  
Mr.M.J. Bhatt for respondent No.1-BNMC.

Mr. R. S. Apte, Senior Advocate i/by Mr. Mandar Limaye for respondent No.5/TMC.

Ms.Swati Sagvekar for respondent no.6 VVCMC.

Mr. Vijay D. Patil for respondent NO. 4 – UMC.

Mr. Sandip Marne for respondent No.8.

Mr. Nitin V. Gangal a/w Mr. Ashok D. Kadam for respondent No.12-CIDCO.

Ms. Kavita N. Salunke a/w Mr. Mayank Mishra and Mallika Pujari for Respondent No.13 – MMRDA.

Mr.Arun Chauhan-Asstt. Engineer (R.E.) City, Mr.Kundan Valvi- Designated Officer (P/N) and Mr.DeepakSharma-Asstt. Engineer (P/N) present.

**WITH  
CRIMINAL PIL (ST) NO. 2617 OF 2020**

Sanjay Tanaji Gurav ... Petitioner  
Versus  
The State of Maharashtra & Ors. ... Respondents

Mr. Bakul Bharat Bhosale a/w Panthi Desai for petitioner.

Mr. Deepak Thakare, PP with Mr. J. P. Yagnik, APP a/w Dr. F. R. Shaikh, APP for State.

**WITH  
(ORDINARY ORIGINAL CIVIL JURISDICTION)  
SUO MOTU PUBLIC INTEREST LITIGATION NO.2 OF 2018**

The Gulab Pushpa Co-operative  
Housing Society Limited & Anr. ... Petitioners  
versus  
The Municipal Corporation of  
Greater Mumbai & Ors. ... Respondents

**WITH  
(ORDINARY ORIGINAL CIVIL JURISDICTION)  
WRIT PETITION NO.780 OF 2021**

Rohit H. Tiwari ... Petitioner  
versus



Municipal Corporation of Greater  
Mumbai & Ors. ... Respondents

**WITH  
(ORDINARY ORIGINAL CIVIL JURISDICTION)  
PUBLIC INTEREST LITIGATION NO. 10 OF 2020  
[PIL(L) NO. 4382 OF 2020]  
WITH  
INTERIM APPLICATION NO. 2568 OF 2020**

Asgar Abbas Shaikh ... Petitioner  
Versus  
The Municipal Corporation of  
Greater Mumbai and Anr. ... Respondents

Mr.Laxminarayan Ramsiya Shukla with Mr.Puneet Shukla i/b.  
Legal Vision for the petitioner in WP/780/2021.

Mr.Amit Potnis for the applicant in IA/2568/2020.

Mr. A. Y. Sakhare, Senior Advocate a/w Mr. Rohan Mirpury &  
Ms. K.H.Mastakar for MCGM in PIL/10/2020 and  
WP/780/2021.

Mr.A.A.Kumbhakoni-Advocate General with Ms.P.H.Kantharia-  
Government Pleader for State in SMP/2/2018.

Mr.Milind More-Additional Government Pleader for State in  
WP/780/2021.

**CORAM :- DIPANKAR DATTA, CJ &  
G. S. KULKARNI, J.  
DATE :- JUNE 29, 2021**

**PC :**

1. Justice J.P.Devadhar (Retd.), appointed as Inquiry  
Commissioner by our order dated 11<sup>th</sup> June 2021, has  
submitted a preliminary report of inquiry dated 28<sup>th</sup> June  
2021. According to the Inquiry Commissioner, it is a  
preliminary report of inquiry.

2. We have read the preliminary report, which appears to be quite comprehensive. It appears that the terms of reference have been answered by the Inquiry Commissioner by giving specific findings. He has also made his own recommendations to deal with the problem of unauthorized construction in Malvani area, where the building collapse on 10<sup>th</sup> June 2021 took the lives of 12 individuals.
3. Copies of the preliminary report have been shared with the learned Advocate General, Mr.Chinoy, learned senior counsel for the Municipal Corporation and Mr.Jagtiani, learned senior counsel and Amicus Curiae. We would expect the learned senior counsel to address us on the question of acceptability of the preliminary inquiry report of the Inquiry Commissioner on the next date.
4. After hearing learned senior counsel on the preliminary report, as aforesaid, and making such order as may be considered appropriate in the facts and circumstances, we propose to hear the larger issue forming part of the *suo motu* PIL petition. The parties shall come prepared to address us after considering the recent report that has since been filed by Mr.Jagtiani and shared with the parties.
5. Stand over to **2<sup>nd</sup> July 2021**.

**(G. S. KULKARNI, J.)**

**(CHIEF JUSTICE)**