

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION (L) NO.6627 OF 2021**

Vaishali Madhav Natu Deodhar & Ors.           ...   **Petitioners**  
**versus**  
Brihanmumbai Municipal Corporation & Ors....   **Respondents**

.....  
Dr.Birendra Saraf, Senior Advocate a/w. Mr.Amrut Joshi,  
Counsel, Ms.Faiza Dhanani and Mr.Manal Dhanani i/b. CUE  
Legal, Advocate for the Petitioners.

Ms.Vandana Mahadik, Advocate for the Respondent  
No.1/MCGM.

Mr.Shoeb Memon, Advocate for the Respondents No.4 to 7.

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**CORAM :- DIPANKAR DATTA, CJ &  
G. S. KULKARNI, J.**

**DATE :- MARCH 15, 2021**

**PC :**

1     The Technical Advisory Committee (hereafter "the TAC",  
for short) of the Municipal Corporation of Greater Mumbai  
(hereafter "the MCGM", for short) by its report dated 28<sup>th</sup>  
February 2021 has categorized the subject building as 'C1',  
i.e., dangerous and unsafe. In pursuance thereof, a notice has  
been served on the petitioners, the occupants of the subject  
building, to vacate the same. Such notice is under challenge  
in this writ petition.

2     We have perused the report of the TAC. Prima facie, it  
appears on perusal thereof that the guidelines for declaring

private buildings as 'C1' (dangerous and unsafe), issued by the MCGM, have been not been complied. In particular, paragraph 1.07 of the aforesaid guidelines requires the Ward Executive Engineer to submit a detailed report with his concluding remark along with structural audit report, inventory, photographs, video-shooting of building etc. to the Deputy Chief Engineer (Building Proposal) through the Assistant Commissioner for obtaining a sanction to declare the building as 'C1' category. Compliance of this particular part of the guidelines is conspicuous by its absence in the report of the TAC.

3 In such view of the matter, we require the MCGM to place on record an affidavit indicating therein the steps that were taken by the Ward Executive Engineer or any other Competent Officer, which would satisfy the jurisdictional fact of requiring the matter to be referred to the TAC for categorization of the subject building as 'C1'. Let such affidavit including all reports, inventories, photographs, etc., if any, as well as the video footage, if any, of the subject building as required under paragraph 1.07 of the guidelines be placed on record within two weeks from date. Copy of the said affidavit shall be furnished to the learned advocate for the petitioners as well as the private respondents well in advance of the next date of hearing.

4 We propose to consider this writ petition once again on **5<sup>th</sup> April 2021**.

5 Till 9<sup>th</sup> April 2021, the oral assurance given by Mr.Sathe, learned advocate for the private respondents on the previous occasion that no steps shall be taken for demolition of the subject building shall continue subject to the condition that the private respondents shall not be responsible if, in case, any untoward incident or mishap happens concerning the subject building prior to the returnable date. It is also made clear that occupation of the building by the petitioners shall be at their own risk and peril.

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

**(CHIEF JUSTICE)**