

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

WRIT PETITION (L)No. 851 of 2020

Moiz Dawoodbhai Palitanawala & Ors. ...Petitioners

Vs

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

Mr. Girish Godbole a/w. Sharique Nachan, Parth Zaveri & Aslam Shaikh i/b. Judicare Law Associates for the Petitioners
Mr. Milind Sathe, Senior Counsel a/w. Mr. Bhushan Deshmukh, Mr. Chirag Kamdar, Mr. Denzil Arambhan, Mr. Nanki Grewal & Paridhi Saraf i/b. Wadi Ghandy & Co. for the Respondent No. 10.
Mr. Manish Upadhyaya, AGP for the Respondent-State.
Mr. Ravi Sirsikar for the Respondent - MCGM.

**CORAM : A. A. SAYED &
 S. P. TAVADE, JJ**

**DATED : 5th NOVEMBER, 2020
 (Through V.C.)**

P.C.:

Learned Senior Counsel for the Respondent No. 10 states that constructive possession of building in question is taken on 3rd February 2020. Learned Counsel for the Petitioners however denies the same. We record the statement of learned Senior Counsel for the Respondent No. 10 that Respondent No. 10 shall not dispossess the Petitioners except by following due process of law.

2. Learned Counsel for the Petitioners has pointed out

paragraph no. 1.3 of the Petition which interalia set out the shops and rooms which the Petitioners and their family are occupying. Learned Senior Counsel for the Respondent No. 10 submits that the building in question, is in dilapidated condition, which statement is disputed by learned Counsel for the Petitioners. At this stage without going into this issue, we only record that, if indeed, the building is in a dilapidated condition, the occupation of the Petitioners shall be at their own risk.

3. Affidavit-in-Reply shall be filed by the Respondents before the next date.
4. Stand over to 3rd December, 2020.

(S. P. TAVADE, J.)

(A. A. SAYED, J.)