

Prajakta Vartak

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

WRIT PETITION (L.) NO. 12157 OF 2025

Javed Yunus Ansari ...Petitioner
Vs
State of Maharashtra & Ors. ...Respondents

Mr. Mayur Khandeparkar with Mr. Aadil Parsurampurua, Mr. Yash Dhakad i/b. Mr. Pratik Shah for the Petitioner.
Ms. K. H. Mastakar i/b. Ms. Meena Dhuri and Ms. Komal Punjabi for Respondent Nos.2, 9 and 10.
Mr. Milind More, Addl. G.P. for Respondent Nos.1 & 11.
Mr. Yugandhar Marathe, Assistant Engineer (B & F), 'B' Ward present.

CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.
DATE: 13 JUNE 2025.

P.C.

1. Leave to amend to include the tenants as party respondents. Let amendment be carried out during the course of the day. Re-verification is dispensed with.
2. List the proceedings on **16 June 2025 (H.O.B.)**.
3. In the meantime, it is informed that the building in question is categorized as 'C-1' and is dangerous. The Municipal Corporation as also MHADA shall immediately take appropriate steps to ascertain the condition of the building and take all precautions so as to prevent any mishap and/or any untoward incident of collapse of the building, as we are informed that there are 40 tenants, who are occupying the tenements in the building, although they are not before us.
4. MHADA (respondent nos.3 to 8) is not represented. We note that Ms. Pooja Joshi Deshpande had appeared for MHADA on the earlier occasion.

5. There appears to be a dispute between Municipal Corporation and MHADA in regard to the action to be taken in respect of the dilapidated buildings, which are cessed buildings, as the Municipal Corporation is stated to have taken a stand that it would be the responsibility of MHADA to take appropriate action in respect of C-1 category buildings. We need to examine this issue. However, today what is paramount, is to prevent any mishap or human lives not being endangered.

6. We may also observe that if the occupants of the building intend to occupy the said building, the same shall be at their own risk and consequences and in the event any untoward incident takes place, the occupants of the building shall not hold the petitioner's trust and/or any of the authorities i.e. MHADA and Municipal Corporation responsible in any manner whatsoever in respect of any civil or criminal liability. Needless to observe that both the authorities would look into such urgent issue. There cannot be any dereliction and/or avoiding of any obligations on the part of the Municipal Corporation and the MHADA when it comes to safety and protecting human lives.

7. Parties to act on an authenticated copy of this order.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)