



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

WRIT PETITION NO. 3654 OF 2025

Netravati Sadanand Kamath and Ors. ... Petitioners
Versus
The Municipal Corporation of Greater Bombay
and Ors. Respondents

Adv. V. S. Kapse a/w Adv. Upendra Mahadik i/b. Fast Track Legal,
for the petitioners.

Adv. Rutuja Bodake i/b. Adv. Komal Punjabi, for Respondent Nos.1
to 3-BMC.

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

DATE : 13th MARCH 2026

P.C. :

1. Heard learned counsel for the parties.
2. Though the office note shows that the respondent Nos.4 and 5 are unserved, however, there is already an appearance of Mr. S. H. Mishra on behalf of respondent No.5. Even, respondent No.5 has filed an affidavit-in-reply which we have gone through.
3. The petitioners are the landowners. It is submitted that there is a building which is a heritage structure comprising a ground + first + a part second floor. The same has been declared as a 'C-1' category building and is required to be pulled down.

Our attention is invited to the Technical Advisory Committee (“TAC”, for short) report, wherein the following has been observed as regards the role of the Heritage Committee :-

“MHCC was of the opinion that “The Ward Office may proceed with its due legal procedure as per the applicable regulations and laws. The MHCC approval would be required; if the Ward Office, after following due legal procedure, concludes that the building under reference is to be pulled down. In that case, the application alongwith report of the Ward office, architectural documentation of the Heritage Building (architectural drawings and photographs) and details of proposed development, if any, shall be submitted for consideration of the MHCC”. Considering the present condition of the building and test results obtained, the building should be categorised in ‘C-1’ category.”

4. Considering that the building has been categorised as a ‘C-1’ category building, the petitioners had submitted an application to the Mumbai Heritage Conservation Committee (“MHCC”, for short) along with the necessary documents on 16th February 2026.

5. Learned counsel for the petitioners submits that there are tenants who are still occupying the structure on the ground floor. Learned counsel for the petitioners, on instructions, submits that considering the building is in dangerous condition, the continued occupation of the suit premises by the tenants poses a danger to the respondent Nos.4 and 5’s life and limb. We find substance in

this submission. In such view of the matter, it is open for the respondents to take an appropriate action to ensure that the tenant vacates the premises or is evicted from the suit premises. Learned counsel for the petitioners submits that the petitioners are even ready to accommodate the tenant in the adjoining building which belongs to the petitioner viz. Safalya Building, Flat No.6, Kasturba Road, Kandivali (West), Mumbai 400 067. The request made is reasonable and fair. The respondent Nos.4 and 5 can be accommodated in the alternate premises as a temporary measure without prejudice to the rights and contentions of either party.

6. It is advisable that the respondent Nos.4 and 5 vacate the suit premises on their own volition within two weeks from the date of communication of this order or else the respondent authorities are free to take appropriate steps to evict the respondent Nos.4 and 5.

7. In the meantime, we request the MHCC to consider the application made by the petitioners on 16th February 2026 for necessary approval and within a period of two weeks from the date of communication of this order take an informed decision.

8. List this Writ Petition for further consideration on 9th April 2026.

(S.M.MODAK, J.)

(M.S.KARNIK, J.)