

ITEM NO.44

COURT NO.9

SECTION IX

S U P R E M E

C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).16977/2011

(From the judgement and order dated 22/03/2011 in WP No. 187/2011
and in CS No. 66/2011 in WP No. 187/2011 of The HIGH COURT OF
BOMBAY)

MAKARAND DATTATREYA SUGAVKAR

Petitioner(s)

VERSUS

MUN.CORP.OF GR.MUMBAI & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 01/08/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s)

Mr. Milind Sugavkar, Adv.

Mr. Rameshwar Prasad Goyal, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

This petition is directed against order dated
22.3.2011 of the Division Bench of the Bombay High
Court whereby the petitioner's prayer for issue of a
mandamus to respondent nos.1 and 2 to repair the flat
constructed by respondent no.3 was declined.

We have heard Shri Milind Sugavkar, learned
counsel for the petitioner and perused the record. In
our view, the order passed by the High Court does not
suffer from any legal infirmity. Sections 354 and 489
of the Mumbai Municipal Corporation Act do not envisage
repair of the private buildings by the Corporation.

2

Therefore, the High Court rightly refused to entertain
the prayer made by the petitioner for directing
respondent nos.1 and 2 to repair the building and then
recover the amount from respondent no.3, which had
undertaken the construction.

The special leave petition is accordingly
dismissed.

(A.D. Sharma)
Court Master(Renuka Sadana)
Court Master