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BMC can't have mall at premises meant for education: High court

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The Bombay High Court today said that Brihanmumbai Municipal Corporation (BMC) cannot have a mall in place of a building handed over to it for educational purpose by a private trust years ago.

The division bench of Justices Ranjana Desai and RG Ketkar was hearing a petition filed by comet media foundation, an NGO, challenging BMC's decision to demolish a building in south Mumbai where several NGOs have their offices and from where education is imparted to poor children.

"BMC cannot go on having malls everywhere. If a plot has been given to you (BMC) for a specific purpose then it should be used for only that. We cannot allow this," Justice Desai remarked.

Arguing for NGO CMF, senior counsel Rajni Iyer said the corporation proposed to construct an electronics mall on the plot, and therefore it has declared the building to be "dilapidated and dangerous".

The court has now directed BMC to file an affidavit by April 13, explaining what it proposes to do after demolition of the Topiwala Building. The civic body would also have to produce the trust deed signed by Topiwala family while handing over the building in 1980s.

Ram Apte, counsel for BMC, argued that the NGOs were only granted permission to use the premises and they did not have any right over it.

Iyer replied that their right over the premises was by virtue of being involved in educational activity, which is the main purpose for which the Topiwala family had given the building to the corporation.

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