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Can't have malls everywhere: HC to BMC

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Mumbai The Bombay High Court on Wednesday reprimanded the Brihanmumbai Municipal Corporation (BMC) for proposing to construct a mall on a premises allotted to run a school.

Comet Media Corporation (CMC), an NGO specialising in alternative learning methods for children, had moved the Bombay High Court urging it to direct the BMC not to demolish the building, once used as a school, on Lamington Road. CMC has an office in the building. Arguing for CMC, senior counsel Rajni Iyer and advocate Deepa Bajaj told the court that the corporation proposed to construct an electronics mall on the premises and had therefore declared the building "dilapidated and dangerous" in order to demolish it. "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 Ranjana Desai said.

The corporation-run school in the Topiwala Lane was closed in 1993 after the residential pattern in the area changed owing to commercialisation. The court was told that the school was closed due to a significant drop in children. Along with CMC, that was allotted three rooms in the school in 1989, several other NGOs including the Dignity Foundation, Education Audiology and Research (EAR) Society, Institute for Exceptional Children, Alcoholics Anonymous and Salaam Balak Trust have had their offices on the premises for two decades.

On behalf of the BMC, senior counsel Ram Apte told the court that the NGOs were only granted permission to use the premises and they did not have any right over it. Iyer, however, said 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.

The court has sought the trust deed signed by Topiwala family while handing over the building to the BMC in the 1980s and asked the corporation to file a reply by April 13.