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No mall in place of building meant for school: HC

A mall cannot be permitted in place of a building handed over to the Brihanmumbai Municipal Corporation (BMC) for educational purposes, said the Bombay High Court on Wednesday.

The court was hearing a petition filed by Comet Media Foundation, an NGO housed in Topiwala Building on Lamington Road and working in the field of child education, challenging the eviction notice issued to it by the BMC. The BMC said it wanted to demolish the building — handed over by the Topiwala family in the 1980s on the condition that it is used for educational purposes — as it was dilapidated.

A division bench of Justice Ranjana Desai and Justice Rajesh Ketkar asked the BMC to explain what it proposes to do after demolishing the building.

Comet Media Foundation, along with eight other NGOs, were operating from the building which was earlier a civic school. Even the School Tribunal, which resolves school-related issues, is housed in the building.

The court told the BMC to produce the trust deed signed by the Topiwala family. “We want to know what the family gave up the building for,” said Justice Desai.

Counsel for Comet, Rajni Iyer and Deepa Bajaj, pointed out a report by structural engineer Shirish Patel that said the building was allowed to deteriorate. “The report suggests structural repairs must be done before the monsoon,” Justice Desai said.

Iyer said their application for repairs has been pending with the BMC for long. BMC counsel Ram Apte said the NGOs were only granted permission to use the building and that they don’t have any right over it. Iyer said their right was by virtue of them being involved in educational activity, the reason for which the Topiwala family had given up the building.

The high court has kept the matter for hearing on April 13.

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